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The Week

SENATOR HARDING, weary and perplexed after one of the most trying ordeals imaginable, has retired to the comparative calm of a houseboat in Florida. His company will include Senator Frelinghuysen, Senator Fall, and Mr. Harry Daugherty. There may be alligators, and other playmates, in the background. But Senator Harding can scarcely be in a playful state of mind. He had practically decided to appoint Mr. Hughes. Then arose among his former fellow Senators a formidable and anonymous opposition. It appeared that they would after all prefer Mr. Root, whom they had once rejected for his attitude on the League. For Mr. Root had greater experience in foreign matters, and while he did not agree with many of the Senators, he could still be approached by them on some terms of common understanding. Mr. Hughes, on the other hand, seems to them both inexperienced and—which is more important—unapproachable and obstinate. But the latest news indicates fairly certainly that Senator Harding has settled this difference: he will stick to his decision, and will choose Mr. Hughes

in spite of the senators. Assuming this to be true, then Senator Harding has given evidence of being a man more able to carry out his decisions than any one had suspected. So far it is the only piece of evidence, yet, for the senators, it must be a very unpleasant one.

MR. ROOT, writing to the House Naval Affairs committee, has protested against going ahead now with Senator Borah's plan for an international disarmament conference on the ground that so important a step should be left to the new administration, which, he says, "will soon learn what is the best way to deal with these difficulties." In a way Mr. Root is quite right. Disarmament is perhaps the most important part of the international scheme of things Senator Harding will have to work out. But just because it is only a part of a very complicated whole, and because in the fashioning of the whole the part may be delayed, we are more inclined to agree with Senator Borah. For the point of the argument is to be found in Senator Borah's belief—which we share—that "delay is one of the methods peculiarly adapted to killing any program of disarmament." Public opinion, difficult enough to arouse at any time, is now, on the subject of disarmament, at a white heat of intense interest. This passion for disarmament has spread to other countries. It is a passion, and as such may cool, and the time to strike, even for only partial results, is while the iron is hot.

IN the condemnation, almost unanimous throughout the United States, of Japanese actions in Siberia, it is too often forgotten that the Japanese are by no means united in supporting their own government's policy. A speech by Viscount Takaaki Kato, leader of the opposition in the Japanese Diet, the other day, reminds us of this fact. Viscount Kato thinks that Japan "should have withdrawn her troops as soon as relief of the Czecho-Slovaks was attained." The whole campaign, which cost 400

million yen and many lives as well, he brands as "criminal." The occupation of northern Sakhalin, and the setting up of a military administration as a guarantee against another Nikolaievsk massacre, he considers "unnecessary." But if this tempts one to wish that the opposition of which Viscount Kato is leader may soon become the government, one should notice that his condemnation of Japanese policy is scarcely based on liberal grounds. His gravest charge is that of "indecision." He is hardly a believer in non-interference in Russian affairs, for he says that Japan "should have despatched a more powerful force to sweep the Bolsheviki from eastern Siberia and aid in the establishment of a strong anti-Bolshevist government." Perhaps, after all, from the world point of view, it is just as well that Viscount Kato should remain in the opposition.

THE New York Clothing Manufacturers' Association, through Mr. Harry A. Gordon, its general counsel, has brought suit for the dissolution of the Amalgamated Clothing Workers on the ground that it is an "unlawful combination and conspiracy organized solely for the purpose of destroying the existing industrial structure in the clothing industry." This latest move should be seen against its true background, which has been admirably described by Dr. W. M. Leiserson—the industry's former Impartial Arbitrator—in his recently issued "Report to the Public." Mr. Harry A. Gordon, according to Dr. Leiserson, was an "agitator" brought in from outside by the war party among the manufacturers. Under his lead the Clothing Manufacturers' Association, against the better judgment of many of its members, declared war on the Amalgamated, and destroyed the machinery for impartial arbitration which was the most important part of the "existing industrial structure in the clothing industry." From the point of view of the manufacturers, Mr. Gordon is a jingo, and from the point of view of the industry as a whole, a wrecker. In this light, the dissolution suit may easily be nothing more than a war cry to rally the employers.

IN November the New Republic called attention to the five million dollar profit reaped by the Post Office during the seven years of Mr. Burleson's administration, by the simple if dishonest expedient of sending foreign remittances at losses, to the purchaser, of anywhere from 8 to 56 per cent on the market rate. The chief losers are ignorant immigrants here, and their destitute relatives abroad. We find that Mr. M. T. Anderson, editor of the Macon (Georgia) Daily Telegraph,

has been conducting a vigorous campaign along the same lines, and does not hesitate to call these five million dollars "filthy, dirty, ill-gotten gains." He succeeded in arousing the Post Office Department to the point of making the rather weak explanation that rates must be fixed so as to insure the government against loss, and that it was out of the question to telegraph daily foreign exchange quotations to the 13,000 post offices in the country. Mr. Anderson retorts that the Federal Reserve headquarters manage to send quotations to all the banks in the country, and that the banks do not charge the ten cents exchange collected by the Post Office. Mr. Anderson's final suggestion is admirable: "Five millions of dollars should be taken out of the United States Treasury and sent to the starving and suffering people of Europe, from whom it was withheld."

A WAGE cut of 22½ per cent is being pretty generally put into effect by the textile industry. Just as the wage advances granted during the war never caught up with the rise of the cost of living, so now this wage reduction exceeds the reduction in the cost of living. One factory at least is aware of this injustice. It is the Dutchess Bleachery, of Wappingers Falls, New York, which is run on a plan of partnership between capital and labor. Its board of management, representing both labor and capital, has decided that, since the cost of living—according to the figures of the New York Merchants' Association—has decreased only 12 per cent, the Dutchess Bleachery will reduce wages only 12 per cent. And though this company, by its partnership plan, is pledged to pay the market rate of wages, the rest of the 22 per cent cut, obtaining generally throughout the textile industry, will go into effect sometime later.

EVER since the peace of Riga, rumors—usually started by some third party—have filled the air to the effect that Russia and Poland would soon be at war again. It is worth while remarking what Prince Lubomirski, the Polish Minister to the United States, says of this. Poland, according to him, "is at peace, and needs peace." She does not "expect the Soviets to attack either this winter or this spring. Why should they? They know that they cannot expect military victory The Soviet leaders are not stupid men they hope to conclude a trade agreement with Great Britain. The surest way to destroy such an agreement would be to begin an aggressive war against Poland." Now take this dispatch, from Mr. Ralph Courtney, the New York Tribune's Paris correspondent:

France's protégé, Poland, has a great army massed on the Bolshevik frontier. Poland only awaits the word "go" to loose another great offensive against Petrograd or Moscow.

Where Russia and Poland are concerned, it is impossible to believe anything until it actually happens.

Mr. Wilson on Russia: The Eleventh Hour

FOR two and a half years it has been an open secret that in his Russian policy President Wilson has been acting against his own better judgment. Three years ago this month Mr. Wilson in the sixth of his Fourteen Points stated a Russian policy consistent with American honor, in accord with his own deepest convictions, and square with the elemental facts. He demanded for Russia "an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy" and assurance to her of a "sincere welcome into the society of free nations under institutions of her own choosing."

Some day when the inner history of the year 1918 is written we shall know what were the threats, the intrigues, and the underground influences, which against the judgment of the President, his diplomatic advisers, his most trusted cabinet officers, and the chiefs of the American army, finally deflected Mr. Wilson and forced him to participate in a war against Russia. Whatever the circumstances there is no particle of doubt that the pressure which culminated in July of 1918 was the first and fatal step in the destruction of the peace which the President had promised to mankind. In the two and a half years which have elapsed since the fatal decision for intervention was taken incredible deeds have been done in America's name.

For these the President is not wholly to blame, but once he had yielded on the main point, that is on war rather than peace, the management of the affair passed out of his hands. He could not control the Japanese in Siberia, nor the French and British missions that set up one of the most gigantic intrigues in history on the whole frontier of Russia. And then came his illness. He lost control entirely for many months. The underlings in the State Department, working hand in hand with the clique of Russia emigrés, known through the press as "Russian experts," had a free hand to conduct that most un-American thing, a reptile propaganda. In the last two or three years there has crept into American public life an intolerable thing, a thing which violates every decent tradition of our gov-

ernment, a practice which strikes at the foundations of republican government, the practice of official tampering with the independence of the press.

We doubt seriously whether in his illness the President realized the enormity of that sin. Never did we doubt it more than now when we have before us the text of his note on Russia addressed to the League of Nations. For that note is a return to his real conviction, and by that token a repudiation of the whole catalogue of tragedies since the intervention of July, 1918. It bears all the marks of thought rather than hysteria, of statesmanship rather than heroics. It appears, be it noted, while Mr. Colby is south of the equator, and while the Acting Secretary is Mr. Norman Davis, the most competent American diplomat left in Washington since the resignation of Mr. Frank Polk.

There have been two Wilsons in this business all along. One the Wilson of the Fourteen Points and of the debate in the Council of Ten which led to the Prinkipos proposal; the other the Wilson of the unauthorized war in Russia and the Colby note of last August. The second is utterly inconsistent with the first. Well, this note to the League of Nations is utterly inconsistent with the second, but it is consistent with the first.

The rapidly shifting events of recent months have only strengthened his conviction that the Russian Revolution, beneficent in its main purposes, must be developed to a satisfactory conclusion by the Russians themselves. Help may from time to time be given from outside and voluntarily received, but attempts at military coercion can but end in disaster.

If this premise, namely that the Russians alone can govern Russia, is firmly held in mind, then this observation is no less sound:

He regards the Bolsheviks as a violent and tyrannical minority, by no means representing the real desires and purposes of the Russian people. But he has never believed that problems raised by this coup d'état could be solved by military action from outside.

That is one of those confessions that are good for the soul, an honest admission that for two and a half years he has acquiesced in a policy with which he never agreed. For bad as it is to do wrong when you know what is right, it is comforting to know that the power to discriminate between right and wrong has not been lost.

The great impediment to peaceful reconstruction in those troubled border states, the imminent danger of new hostilities, is caused by the utter confusion between offense and defense. . . . It is obvious to all that these small struggling border states will not attack Great Russia unless encouraged by promise of support from the stronger Powers.

That is the bottom truth. And what does the President propose?

A public and solemn engagement among the great Powers not to take advantage of Russia's stricken condition and not to violate the territorial integrity of Russia nor to undertake themselves any further invasions of Russia, nor to tolerate such invasions by others.

Such a public agreement would in effect say to those now in power in Russia:

'You are not menaced from outside. The great Powers have voluntarily guaranteed you from attack. You can have peace if you want it.'

And on the very day, at almost the very hour when this is published, the envoy of Russia sent to make peace, charged with no crime and no impropriety, sails out of New York harbor under a deportation order. In the history of paradoxes, is there a more ludicrous paradox than that? "You can have peace if you want it," says Mr. Wilson. "We want it," says Mr. Martens. "Deport him," says Mr. Wilson.

What is the explanation? In a sentence from the note, quoted above, Mr. Wilson remarks that the great impediment to reconstruction is "the utter confusion between offense and defense." That is true. But that utter confusion is the product of a still more utter confusion between peace and war. And that confusion is in Mr. Wilson's own mind. He imagines that you can have peace merely by refraining from waging war. You cannot. You have to make peace if you do not want war. What Mr. Wilson would like is for the world to let Russia absolutely alone, not to fight her and not to trade with her. But not to trade is to use one of the most deadly weapons of war, the chief weapon assigned to the League of Nations for use against its enemies. Either the frontiers of Russia are open or they are closed. If they are open trade must take place across them. If they are closed troops have to be stationed along them to keep them closed. And then you are back in "the utter confusion between offense and defense."

As a matter of fact, we should be willing to lay a heavy wager that if the President had another year in office, if his health remained good, and if men like Mr. Davis had his ear, he would inevitably sweep aside the precedents of the last two and a half years and proceed straight towards finding a commonsense path to peace. In this note he has already abandoned the whole premise of his recent policy, though the after-effects are plainly visible in such child's play as the deportation of Mr. Martens. The two actions will not jibe, and Mr. Wilson in running true to form could not fail sooner or later to see it. He will not have time to do that. But nevertheless at the eleventh hour he has done America a great service by reaffirming the only sound and honorable basis of policy.

If his words strengthen the British, Italians, and

moderate French against the wild men like Winston Churchill, he will have done a service to the world that the historian will quickly recognize as consistent with those purposes which for a time made Wilson the greatest figure of his day. For if the intrigue for intervention is blocked, and at this moment a new intrigue is on foot, the British and Italian trade negotiations are certain to triumph. Because of the lingering effects of the Red Hysteria, the favored trade position in Russia which will accrue to the first nation that succeeds in restoring commerce will not go to American merchants. That is a comparatively small matter, because the great matter is not whose merchants secure the profits of the trade, but that the process of world trade should recommence.

More Light on Deportations

THE publication of a report on the "Deportation Cases of 1919-1920," by Mr. Constantine A. Panunzio, a minister of the Methodist Episcopal Church, comes just at the right time. For Mr. Palmer, goaded to fury by the brief in support of earlier charges, submitted to the Senate Judiciary sub-committee by twelve lawyers, has demanded an investigation.

The Attorney-General, of course, believes he has nothing to fear from such an inquiry. Will investigation find the rest of the Department blameless? On this point even Mr. Palmer seems to have a shadow of doubt. For while telling the Senators that he accepts "full responsibility" for things done by his subordinates in accordance with his instructions, he admits that, through exaggerated zeal, there may have been cases where those instructions were exceeded.

But the twelve lawyers accused the Department of Justice of something worse than excesses of individual zeal. They accused it of illegal practices so wholesale as to have been impossible unless guided by a definite general policy. They charged: that the Department of Justice invaded the province of the Department of Labor, which alone has jurisdiction over deportation proceedings; that wholesale arrests were made without warrant; that excessive bail was required; that innocent persons were kept in jail for weeks or months; that, in general, the Department of Justice proceeded against the aliens without "due process of law."

The law that provides for the deportation of aliens "who are members of or affiliated with any organization that . . . advocates the overthrow by force or violence of the government of the United States . . ." is vague and harsh enough.

We need not here discuss the question of its justice, nor the folly of punishing people for their opinions. The point is that, wide as were the legal boundaries within which "alien anarchist reds" could be hunted, the Department of Justice grossly overstepped them. Few who read Mr. Panunzio's report can believe otherwise.

This report, just published by the Commission on the Church and Social Service of the Federal Council of the Churches of Christ in America, is convincing alike for a rare moderation of tone and a deadly accumulation of facts. It is the result partly of Mr. Panunzio's visits to immigrant communities and the jails where the suspects were locked up, but chiefly of a minute, patient examination of the official files of the Department of Labor in 200 cases. These records give a fair sample of the conditions under which the total of about 3,000 aliens were arrested.

Of Mr. Panunzio's 200, 169 were arrested in wholesale, and often brutal raids, usually conducted by agents of the Department of Justice. Tony Korscheikoff is only one example. He tells how in the raid on the People's House in New York, the Russians had to file downstairs past a line of agents or policemen each of whom hit the passerby over the head with a club or blackjack. These wholesale arrests were often made without warrants. This happened in 91 of the 200 cases. Warrants were issued long after the arrests. In one case this period was 12 days; in another, 16, in a third, 57 days. In 48 cases no date was recorded.

Mr. Panunzio found irregularities in the administrative trial of the aliens fully as frequent as in the circumstances of their arrest. In seventeen cases the interpreter used in the trial was himself an employee of the prosecuting department of the government, and on three occasions the interpreter simultaneously testified against the alien. During these trials the alien's guarantee of right to counsel practically lapsed. The records of the 200 cases examined did not show a single instance where, at the preliminary hearing, the accused was informed of his right to counsel. So it was quite natural that over a third of the accused, discovering this right only after the proceedings had been started and testimony already taken, did not avail themselves of it.

In eight cases the government submitted no evidence whatever at the trial. In sixty cases the evidence was nothing more than mimeographed selections from such documents as the Communist Manifesto. In fourteen cases a mimeographed form affidavit was presented. Sometimes the government's affidavit was unsigned. In other cases, a signed statement was often extracted from the

alien by threats. Mary Muroff, confronted with a damaging statement signed by herself, said: "I signed that . . . but I was compelled to sign it . . . at first I said I did not know whether it would be good for me to sign it, but he (the agent) said: 'if you do not sign it we will have to go hard on you.'" In some cases the evidence submitted was absurd. Fred Poliuk was charged with hiring a hall for a radical meeting. The only evidence in his case was a bright red flag with the inscription: "Good luck to Soviet Russia."

Andrew Chuprina was arrested, in Detroit, because the name "Chuprina" occurred in the membership book of the Union of Russian Workers. When he pointed out that only the last name was written in the book, and that there were other Chuprinas living in Detroit, the charge against him was changed by the examining inspector, who claimed that at the time of his entry into the United States (from Canada) he was liable to become a public charge. Examination showed that Chuprina had entered the country quite regularly, and with \$100 in his pocket. Nevertheless he was ordered deported as having been liable to become a public charge. This was on December 17th, 1919. On June 1st, 1920, he was still in jail, since he could not raise bail for \$10,000. Later the warrant was cancelled and he left the country voluntarily.

The basis of arrest seems to have been the merest shadow of an "affiliation" with some proscribed organization. Take Mr. Panunzio's story of David Expak, a cobbler of Lowell, Massachusetts:

He was arrested on or about January 2nd on the charge of being a member of a proscribed organization or believing in the overthrow of organized government. This charge was based upon the affidavit of probable cause made by the government agent stating that this alien's name appeared in the same book as that of one Kulback, and since Kulback was a radical, therefore this alien must be a radical. The affidavit does not state the nature of the book.

Perhaps it was the telephone book.

Expak's case is typical of the 47 others—of the 200—who emphatically denied they were members of any illegal organization. There were 74 besides who became marked men unwittingly, because branches of the Socialist party to which they belonged were automatically transferred to the Communist party. Five others belonged to radical organizations only because of the courses in English, arithmetic, or mechanics conducted by them. 15 cases were doubtful. This leaves 56, some of whom readily admitted belonging to proscribed organizations, while for others the fact of their membership was clearly proved. Here Mr. Panunzio points out

how very simple and natural it is for an immigrant to join several "societies," frequently of conflicting purpose or politics. The foreigner often becomes a member of some Communist local solely because it is a place where he can sing, play cards, educate himself, talk with his friends and in other ways satisfy harmless social cravings.

Once in jail on these flimsy charges, it was not easy for the aliens to get out again. In 18 cases bail originally set at \$1,000 was raised to \$10,000. Twenty-seven out of the 200 were unable to furnish the minimum of \$1,000. So it was not extraordinary that Mr. Panunzio found, out of 82 men interviewed in Detroit jails, 64 who had been there three months or longer. Three men, Kot, Maritza, and Dudinsky, who were released when their warrants were cancelled for lack of evidence, had been in jail 88, 91 and 101 days respectively. Dudinsky had tuberculosis at the time.

The case of Wasil Lalajo was a great deal worse. Lalajo was arrested on November 7th, 1919, and, since he was unable to furnish \$1,000 bail, was locked up. At the hearing two days later the government's inspector summarized his findings as follows:

Two of the special agents who have investigated Lalajo's case strongly recommend that the warrant be cancelled. In fact they wanted me to release this alien last night, but owing to the fact that the warrant calls for a bond I did not feel like doing it without authority from the Department. I recommend that the work in this case be cancelled and that the Department . . . telegraph that this alien can return to work and to support his family.

This was on November 9th. On April 8th, five months later, Lalajo was still in the Youngstown jail. Eleven days later all warrant proceedings against him were cancelled. If he was released at once—which is not certain—this quite innocent man spent 165 days in jail. Meanwhile his wife and children were reported destitute and suffering.

It is difficult to see how the Department of Justice can defend itself against so damaging an array of facts. If so much criminal injustice is to be unearthed from an examination of 200 cases, what lies buried in the records of the 2,800 or so others who were arrested?

A Sermon on the Preceding Article

Chocorua, Sept. 11, 1906.

Dear Mr. Wells,—

. . . . Exactly that callousness to abstract justice is *the* sinister feature and, to me as well as to you, the incomprehensible feature, of our U. S. Civilization . . . I never heard of the MacQuean case be-

fore, but I've known of plenty of others. When the ordinary American hears of them, instead of the idealist within him beginning to "see red" with the higher indignation, instead of the spirit of English history growing alive in his breast, he begins to pooh-pooh and minimize and tone down the thing, and breed excuses from his general fund of optimism and respect for expedience. "It's probably right enough"; "scoundrelly, as you say," but understandable, "from the point of view of parties interested"—but understandable in onlooking citizens only as a symptom of the moral flabbiness born of the exclusive worship of the bitch-goddess SUCCESS. That—with the squalid cash interpretation put on the word success—is our national disease,—Hit it hard!

Sincerely yours,

WM. JAMES.*

Premier Briand's Problem

SQUARING circles is the peculiar business of the new French ministry. It is necessary to restore order in the finances of the state, but no shock may be given to the illusions that have made order impossible. It is necessary to increase the yield of the French investment in German obligations, but Germany may not be permitted to recover her industrial power, the only means through which any considerable payments can be made to France. It is necessary for the ministry to work in harmony with England, while clinging to a policy which aggravates chaos in Europe, to the immense prejudice of British interests. On a prospectus of such impossibilities Premier Briand has won the confidence of the Chambers, by an overwhelming vote. But it is a tentative confidence. We shall see a test of its quality before May 1, when according to the terms of the Treaty of Versailles the total sum that Germany will have to pay must be fixed.

We shall not argue that the indemnity ought to be fixed by May 1 merely because the Treaty says it must be. The Treaty is preeminently a document for loose construction. We believe that the indemnity ought to be fixed by May 1—and not at an impossible figure, but at one that Germany can pay, if she observes good faith—because we can see no way out of chaos either for Germany or for the Continent in general, until certainty has been established in the matter of the indemnity. Premier

*From The Letters of William James—Vol. II, p. 259. Edited by his son Henry James. Published by the Atlantic Monthly Press. Boston.

Briand is reported to favor a settlement binding Germany to pay three billion gold marks a year for five years, leaving the total indemnity to be fixed at the end of that time. No scheme more demoralizing all around could be devised. Germany would be given five years in which to demonstrate how little she could pay. We should have five years of evasions, both actual and alleged, five years of constant threats of force, five years in which the more crafty and powerful interests in Germany might elaborate plans for shifting the burdens from their own shoulders to the masses of the population. Nor is that the only vice of such a settlement. French ministries would continue, as in the past, to use the expectation of impossible indemnity payments to cover up their failure to make ends meet. They would continue to resort to currency inflation and floating debt, to the utter disordering of French industry and trade. France needs to know definitely what she can count on, just as Germany needs to know definitely what she will have to pay.

It is argued by Premier Briand that the present is the worst possible time to fix the German indemnity, because German economic life is at its lowest ebb, and any present estimate of paying capacity would necessarily be an underestimate. There is, however, nothing whatever that requires the Reparations Commission or the Allied Premiers to take into account present conditions alone. And suppose that it turned out, in the sequel, that German paying capacity had been underestimated. What consequences could follow that would be comparable to those of a policy which kept Germany from developing any adequate paying capacity at all?

The iron and steel industries of France may indeed be content with a policy which fails to bring substantial relief to the French budget, which fails to make possible the restoration of the territories wasted by war, but which precludes the possibility of the recovery of their German competitors. And the iron and steel industries are politically powerful, in France as in every other modern industrial state. But it is very improbable that it is out of deference to the interest of the great metallurgical trusts that Premier Briand proposes a policy which on its face would be prejudicial to the interests of both France and Europe. A more plausible explanation is simply, politics.

The French indemnity expectations will have to be deflated, but woe to the statesman through whose action the necessity for deflation is accepted. Better to meet a check internationally, and perhaps, if it is impossible otherwise, to save one's face, to give way to the Oppositor, and bide one's time.

Mr. Schwab's Experience

SOME of the most considerable changes often occur quite casually. Who, for example, when he reads a standard account of how American government is organized realizes the place taken by investigations? Yet, more and more, regular and special investigating committees have become a normal feature of political life. In a parliamentary form of government the executive knows that he will sooner or later have to answer questions on the floor of the house. In our form of government he knows that he will almost certainly have to face an investigating committee.

These committees, in fact, are fast becoming the established organ for the criticism of administration. They are the principal way in which we get around the false theory of the separation of powers. For to separate the executive and legislature is impossible in real life. The substance of a law lies in the administration of it. Only by scrutinizing administration can the law-makers determine whether their intention is being carried out, and only by close contact with administrators can they really learn what legislation is needed. And so when the constitutional arrangement provides no adequate means of contact between the two branches of government, the gap has somehow to be bridged. The investigating committee is undoubtedly coming more and more to that bridge.

But in addition the investigating committee serves to supply the concrete information required in the process of law-making. If the legislator has to deal with banking, the tariff, shipping, immigration, taxation, housing, or anything else that is concrete and complex, he has to institute a special inquiry. But these special inquiries, having appeared casually, are highly casual in their procedure. They have as yet no tradition, and afford very little protection to the individual's honor and reputation.

Even when their purpose is fair, they are so chaotic, so uncontrollable, that they have become one of the great engines of terrorism that operate to exclude sensitive people from public life, and to make a thick hide almost the chief equipment of a public man. Take for example the recent case of Mr. Charles Schwab. One fine morning every paper in the land blazes with the gravest insinuation against him. For twenty-four hours that evil report circulates everywhere, and as everyone knows, no denial the next day can ever completely catch up with the original attack.

Just what was at the bottom of the business we do not know, though from the newspaper accounts Colonel Abadie, who made the charge, seems to have been innocent of malice. Yet a deadly attack was made. And it was made because an incident torn out of the context of an unfinished inquiry made sensational news. It is not easy to see how to get around this. But it is clear that nobody has done any hard thinking on the premise that under modern conditions of publicity the investigation itself is of slight importance compared to the way the investigation is reported.

Somehow or other a way will have to be found of protecting people against just such an experience as Mr. Schwab has gone through, or as the steel strikers went through because of the Pittsburg press reports. How without in any way infringing the freedom of the press can the reports of sensational accusations and insinuations be delayed, so that, at the least, the answer shall appear simultaneously with the accusation? Should it be the duty of the investigating committee to declare that testimony of a certain kind is privileged and not subject to report, until the answering testimony has been heard, and should publication in defiance of such a ruling be a species of contempt? The right method is not clear, but what is clear is that the relation between the investigating committee and the press is today too anarchical for the protection of human rights.

Nationalism or Internationalism on the High Seas

This agreement shall have effect for twenty years from the 27th September, 1902, and shall continue in force thereafter subject to a notice of five years on either side (which may be given during the continuance of this agreement) provided that His Majesty's Government shall have the right to terminate this agreement at any time if the association pursue a policy injurious to the interest of the British mercantile marine or of British trade.

THE foregoing section of the agreement between the British government and the International Mercantile Marine Company of New Jersey and its subsidiary companies, has already excited considerable public interest. It will doubtless excite still livelier interest when Congress undertakes to work out a comprehensive merchant marine policy. Does it not prove, on its face, that this great corporation, according to its president one hundred per cent American, has bound itself to promote British rather than American interests? There is no clause in the agreement providing for its termination in case the corporation should pur-

sue a policy injurious to the interest of the American mercantile marine or of American trade.

That is to put the worst possible face on the matter. The most persistent fomenters of international suspicion and ill will can make no more of it, except by way of inflammatory rhetoric. As a matter of fact, the one-sidedness of the agreement is a pure illusion. No clause was needed to safeguard American interests because the International Mercantile Marine Company, which controls the policy of all the subsidiary companies, British and American, is domiciled in America, subject to American governmental control. If it pursues policies prejudicial to our national interests we can at any time put it out of existence. Nor have we any ground for resenting the limitations imposed by the British government as a condition to the placing of British lines under the control of an American holding company. Just imagine our government standing idly by while a great ocean shipping trust, domiciled in London, gained control of some of our principal shipping corporations, and proceeded by cut throat methods to put our remaining shipping lines out of business, or attempted by discriminatory charges to place our exporters under a disadvantage in all the markets of the world. How long would we stand that? But ocean navigation, while an extremely important interest of America's, is an absolutely vital interest of England's. Therefore it was inconceivable that any British government should permit an American holding company to gain control of British lines and to operate those lines, if it chose, to the destruction of British shipping and trade. No honest American wishes Britain to be complacent to our undertakings up to the point of imbecility.

If there are to be corporations operating shipping lines under more flags than one, there must necessarily be agreements safeguarding the several national interests. But are not such corporations inherently disadvantageous to a nation? That, not any alleged one-sidedness of agreements, is the real question at issue. Shall American shipping policy aim at the development of a militant marine, designed to wrest from foreign states the greatest possible share in the ocean carrying trade, to the end that American goods seeking foreign markets may enjoy preferential treatment? Or shall it aim at the transformation of the whole ocean shipping of the world into a true international public service, affording equal facilities at equal rates to the traffic of all nations? If we adopt the former policy there will be no place for such business concerns as the International Mercantile Marine Company. If we adopt the latter policy, we should find nothing objectionable in the formation of such companies, so long, of course, as they did not constitute mon-

opolies, battenning at the expense of all shippers of whatever nation.

There is no doubt as to which policy can claim the support of tradition. Down to the present time every nation which has pursued a deliberate mercantile marine policy has conceived it nationalistically. It has employed its merchant marine as an instrument for favoring its national export trade, or at least for neutralizing discriminations practiced against its nationals. The nationalistic quality of the late German merchant marine is known to every one. German goods first; surplus tonnage to foreign goods, perhaps. There was less of a tendency to discriminate in the case of British and Norwegian shipping in the period before the war, because with both Britain and Norway shipping was developed far beyond nationalistic needs, and so could be treated as a private business like any other, dominated almost exclusively by the motive of maximum private profit, which is not as a rule compatible with the motive of nationalistic advantage through discrimination. But even in such cases the nationalistic impulse has been latent, ready to be challenged into activity by the nationalistic policy of competitor nations.

What the nationalistic merchant marine policy draws in its train is also well known. It involves in the first place some kind of government aid: subsidies and subventions, discriminatory port charges and tariff duties. It involves a competition on neutral soil for wharves and warehousing facilities, and an unrelenting struggle for fuel stations, etc. It involves the development of a navy sufficiently powerful to intervene in disputes over shipping facilities in any quarter of the world. Carried to its logical conclusion, it involves war. For only the nations that are impotent to resist will tamely see their ships crowded off the seas, when the necessary consequence will be a severe handicap in industrial competition. There is already much restiveness in America under the alleged discriminatory policies of foreign merchant marines. There will be restiveness abroad if America injects into the situation a new element of ruthless competition.

If foreign shipping continues to discriminate against us, there can be in the long run but one result, American retaliation. But first, is it not worth while to attempt to bring about a new organization of ocean shipping, based upon its fundamental character as an international public service? Let the citizens of any nation build ships and sail them, without subsidy or any other form of public aid; except in cases where the establishment of new routes of international value may require initial assistance from one or more nations concerned.

Let every port, every fuel station be open to all ships on fair and equal terms, and let an international commission be established to hear and decide all complaints of discrimination. Let every shipping company be dissociated from enterprises furnishing freights, and let it be bound to give its services impartially to all shippers. Then the commerce of the high seas could grow to any extent conceivable without giving occasion to international cut throat competition and war.

It may be said that America could not afford to enter upon any such arrangement, because the high cost of operating ships under the American flag demands some form of state aid; and once the principle of state aid is admitted, nationalistic rivalry is rendered inevitable. We do not believe in the dogma of the high costs of the American marine. Our high wages do not handicap us in the manufacture of iron and steel, locomotives, automobiles, or a thousand other products. We make up for high wages by high efficiency, and given a fair field we can do that in ocean shipping. But if we could not, if foreign shippers insisted on carrying our goods for less than what it would cost us to carry them, where would our loss lie so long as we were assured that we did not thereby open the door to discriminations against us? It may be said that the British could not consent to such an arrangement, because it would throw open to all the world the port facilities and fuel stations won by centuries of British effort. But the British can better afford to abandon such nationalistic advantages than to meet the costs of a contest with America for the world's carrying trade. And these are the two nations most concerned in the "freedom of the seas," which will never be anything but a myth until ocean shipping becomes an international public service.

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Business vs. State in Germany*

FROM the point of view of traditional political science, Germany appears plainly to be undergoing a process of progressive dissolution. The prestige of the new constitution and of the government formed under it, is steadily waning, at home and abroad. The administration, a huge, unwieldy machine which maintains one functionary for every fifteen inhabitants, is regarded with indifference and dislike both by the people, whose social interests it pretends to defend, and by industry, which it seeks to foster and control. The government was endowed with essentially a negative character by the very conditions of its creation. "So far and no farther" was the principle tacitly imposed upon it by the victors in the war. In consequence it represents nothing real in German life. For its maintenance it imposes taxes so heavy that any increase simply drives money under cover without producing additional revenue. Yet heavy as the rates of taxation are, they fail to balance the budget. Ministers of finance have given up suggesting expedients for restoring fiscal soundness and content themselves with temporary devices for meeting daily expenses. As a result the currency grows more disordered day by day, and the state is practically without credit at home or abroad. Nor is the political credit of the state at a higher level. The Berlin government is too weak to force the disarmament of Bavaria, and can only protest feebly against threatened intervention by the Allies. There is no longer any question of maintaining the prestige of the government. The most that can be hoped for is that the unity of the nation may somehow be preserved.

Those who have taken at its face value the text-book view of Germany as a country in which the State has been all in all, in which every individual and every institution moved in a preordained orbit, centring in an autocratic head surrounded by subservient but masterful feudal and military dignitaries, and possessed of the best disciplined and most efficient army in history, will see no way out of the present chaos except through the restoration of something like the old order. Such a conception lies behind the frequent rumors of monarchist plots circulated abroad. And there is no doubt that the traditional minded Prussian Junker is awaiting, with what patience he can command, the

day when the bankruptcy of the present scheme of government may be acknowledged.

But the text-book view of German organization, in the interest of logical consistency, ignored or reasoned away a considerable range of facts whose importance is now becoming more and more evident. The new industrial and financial forces that evolved with such amazing rapidity in the period between the Treaty of Frankfurt and the outbreak of the World War never fitted precisely into the scheme of subordination of the theoretical German State. It is true, the State used these forces as instruments in its projects of aggrandizement. It is also true that these forces furnished the State abundantly with the financial and technical means for advancing its international ambitions. But it is equally true that industry and finance used the State as an instrument for the accomplishment of purposes of their own. The State provided a working population disciplined and docile for the uses of industry. It occupied itself in winning foreign markets, in assuring German industry adequate transportation to such markets. And within the nation's own borders, the government not only permitted, but favored, the growth of business combinations of the same character as those which America, for example, sought vigorously to suppress. And if the development of Germany had not been broken by military defeat, it is a question whether organized business would not have asserted still more strongly its right to use the State as its own instrument. The whole Mittel Europa scheme, for example, was rather of business than of autocratic-militaristic origin. Indeed, the true Junker militarist always looked coldly upon the scheme, as calculated to introduce elements not readily combined under the State as he dreamed it.

Of these two partners in the German policy, the State and organized business, the former was badly shattered by the war, and through the peace and subsequent Allied policy has been declining steadily toward complete dissolution. Organized business, too, was badly shattered. But the masterful projectors of business combinations were not banished to Holland or retired to rural Prussia. They have an impoverished and devitalized country to deal with. But it is the character of business strategy somehow to shift the loss to some one else. Since the peace German business has had time to get its bearings. And we can now see it stirring with new life. German industry, it is plain, is drawing together into a solid block. This concentration

* This article was prepared by Alvin Johnson on the basis of facts and analyses furnished by Mr. Sanford Griffith. In considerable part the text is Mr. Griffith's.

is reaching across all the fundamental industries. Coal consolidation was followed by that of iron and steel. The two are drawing in the machine factories and all the metal industries. Electrical works, already concentrated, are now seeking a firm foundation in coal and iron by linking up with the Silesian and Ruhr groups. In the textile industry the small independent factories which were scattered throughout the country before the war, are now being swallowed up by the big mills which alone can pretend to reckon with present unsettled conditions. Thus, to use Dr. Rathenau's terms, not only have industries drawn together horizontally, but also perpendicularly. That is, combinations are being effected not only of the factories producing any particular commodity, such as steel or cotton goods, but also of businesses—such as the Stinnes chain of industries—which extend from the raw materials to the finished product—from coal and iron to the completed machine. This far-reaching fusion has already made German trusts the most powerful economic organizations on the Continent. Most of them continue to pay dividends. They alone in Germany can get credit at home and abroad.

A parallel concentration, and an impetus to the movement in industry, is the fusing of banks. Large banks today are absorbing the middle-sized ones. There remain only the very large organizations or those of overnight, mushroom growth which thrive on the general economic disorder in central Europe. The consolidated banks are unwilling to advance credit except to big flourishing industries which can give sufficient security and therefore the small manufacturer, already shaken by the war, is now being forced to the wall for want of credit. Under the general stress and the demands of the Allies, German industry as a whole has been crippled, while certain firms, resourceful and elastic, have been able to resist the strain by concentrating with others.

It goes without saying that this powerful industrial movement does not intend to be used as an instrument by the present enfeebled German State. Nor does it see in the State an instrument it can use effectively. Hugo Stinnes and most other German business leaders resent the intrusion of the State in business affairs. They oppose resolutely the various projects of the government in the direction of nationalization and socialization, asserting that the only hope for Germany lies in her industry, and that such "half-baked" projects would merely throw industry into confusion. They criticize the Reichstag as a body incapable of decisive action, a "body of speech makers, men more moved by oratorical forms than by expert knowledge of

facts." Accordingly German industry seeks to break away from parliamentary control, and for the present stakes its hopes on the newly organized Economic Advisory Council. This is a sort of economic parliament, elected by various organizations of both producers and consumers, but consisting largely of the representatives of finance and industry. In theory, it has only advisory powers, but the interests behind it are powerful enough to give effect to most of its recommendations. The field which its supporters would assign to it is the fixing of trade and tariff policies, and above all, of labor policies.

It will be understood that those who still have faith in the future of the German democratic State view with the deepest misgivings this tendency of business to break away and form an organization more powerful than parliament. They point out that the banks and industry could avail themselves of their position of power to throw the burden of taxation upon the working classes, the peasantry and the surviving small scale industry and trade. There would be a danger that the large industries would keep labor at a minimum wage, in order to underbid competitors in the world markets. German industry might flourish, but the masses would suffer impoverishment.

No one will deny that these criticisms are valid. But both national and international influences are making for a condition in which the industrial organization will stand apart from, if not above the state. The national government can not hope for an improvement in its position unless industry undertakes to employ and provision the working population. The Allies can not hope for the payment of indemnities except through German industry. But industry can respond to the requirements or not, as it sees fit. It is in a high degree mobile, and can withdraw itself in part at least beyond the borders of an indemnity burdened country. Therefore it can present its own conditions, both to the German government and to the Allied governments, as it already began to do at Spa.

The German democratic State is something with which diplomacy could deal intelligently. As it at first appeared, this State gave promise not only of abating German militarism, but of keeping under subjection those forms of industrial and financial organization which rendered German competition so dangerous abroad. In flouting and humiliating the democratic government Allied diplomacy did not indeed throw Germany back to militarism, as there was for a time reason to fear that it would. But in forcing the progressive dissolution of that government, Allied diplomacy has done much to prepare the way for the rise of a business govern-

ment within the shell of the democratic government, a business government which can live under its own laws, flourishing even though the democratic government goes bankrupt, or even though Germany itself is dismembered. And a central European super-trust such as this, likely to operate soon in eastern Europe as well, will present to Allied diplomacy problems of a quite different order from those presented by conventional political states staggering under the burdens of defeat and enslavement to the victors.

Conort

I.

NO one reads the history of the Western Hemisphere before the birth of Conort, if he can avoid it. So far as we can now gather, she was the first person to flourish in the New World who had no business to. She disturbed the quiet of commercial nations, and the results of her career have made their history more than tolerable.

Conort was born, it seems, some two thousand years ago, in the year 1917. The fragmentary biographies of the sculptress intimate that she was an active and independent girl, interested in the higher vertebrates for the beauty of their limbs and for their ideal purposes.

Her father permitted her what others could only regard as strange extravagances; and he was tender when her mother grew cold at Conort's aversion to domestic events. This gentleman, who possessed wealth, was in the habit of asking his daughter what gifts she desired; and on such occasions, instead of proposing gowns or jewels, she would beg of him curious emanations of the vital principle, such as lizards, birds of paradise, or the gayer snakes.

"Father dear," she would say, climbing into his lap, "I feel that I am now ready for a bear, or a peacock."

Sometimes it would be an eagle, a tiger, even a humble tree-toad. Her chamber became a place to dream about, with swordfish, emus, albatrosses, pelicans, armadillos, and other eccentric phantoms of nature, under over and upon everything.

When she was sixteen her father gave her a well-appointed zoo, and her mother prepared for the worst. But the child merely busied herself painting or carving the limbs she loved, or looking for hours into the depths of mysterious eyes. Upon her nineteenth birthday her request was more singular, for she said to her father, with decision, "Dear father, I am now ready for a young man."

"A young man," repeated her father, lifting his hand to his forehead.

"Yes," she continued, "I have had all the other vertebrates."

"I will consider the matter," said her father, disturbed, but not unsympathetic to a desire so logical.

She conferred again and again with him on the subject of a living boy, and he racked his brains for a solution of the difficulty.

"A young man is different from the other animals," he said to her one day. "Youths are proud, and full of designs,"

"So are leopards. Such things do not make me anxious. What does is that I am not sure what a youth *means*. For me, it is not the object that counts so much as what the object means. My lizard, for instance, means the conquest of Time and Power." Conort was referring to her youthful masterpiece, Lizard Emerging From the Crevices of Caesar's Tomb, now in the billiard-room of a hidalgo near Buenos Ayres. "But what does a youth mean?"

"You would find out," said her father, not disposed to regard such a problem as insoluble, confronted himself with the greater task of finding the youth.

One day as Conort sat by the roadside a young man came trudging by with a knapsack on his shoulders.

"Where are you going?" asked Conort.

"I'm off to live my life in the great world," said he, pausing.

"What have you in the knapsack?"

"Everything I own."

"And have you friends in the world?"

"Not one. But I'll make friends, for everybody is willing, and it's a good world."

"How will you conquer it?"

The boy smiled at her. "With this," he said, tapping his forehead significantly.

"With dreams?" she asked.

"With dreams and will," he replied.

Conort thought to herself, perhaps these things are what a youth means. She reflected that such a young man would answer her purposes.

"I wish I owned you," she said, half aloud.

"Owned me!"

"My father wishes to see you."

"Your father doesn't know me."

"Won't you come to him for a moment?"

The young man consented out of curiosity.

"Be seated, young man," said her father. "My daughter is a sculptress. For years she has loved living things, reptiles, rodents, fishes, birds, invertebrates and vertebrates. She has traversed the animal kingdom, and she owns a zoo; and now she desires a young man."

"For her zoo?" inquired the youth politely.

"In a sense. She has set her heart upon it; and it seems she has chosen you."

"I cannot do this," said the young man. "My future beckons me, and I have no time to lose. If you tried to carve me now, Conort, there would be nothing worth carving." He tapped his forehead again. "But if you could know what is here, you could chisel me. Otherwise I am nothing."

"I feared obstacles," sighed Conort. "But I must, I will have you; and how may this be?"

"There is only one way," said the young man with vigor, reaching for his knapsack and stick. "You must come with me, to see what I am."

"Very well," said Conort.

"It seems unfortunate that it is necessary to go to so much trouble," said her father sadly.

II.

They were married at sunset, under a sky of rose into which one could look for millions of miles and millions of years. The night deepened, and they were alone in the garden. The dusk was heavy with the odor of flowers, and they moved about among the shrubs and beds, brushing against leaves, cooling their hands amid soft petals.

The next morning, at dawn, the old man awaited them in the dooryard. He gave them gold pieces to sew in their clothes, and blest them in a trembling voice.

Birds were awake in the thicket by the roadside, singing the song with which their little throats greet each new day. A breeze set the bushes to rustling, and the pines instructed one another in whispers. Shafts of gold light pierced the dim green of wooded valleys, and Conort and her lover smelled cool damp vegetation.

On and on they traveled, while in the open spaces the sun fell upon them with increasing heat. They passed through several villages, with open fields about them and ripe wheat like rivers of burnished brass. At midday, they left the high road and walked across a pasture to three white birches by a river-side. The grass had been nibbled close by a flock of sheep, which watched them from the other bank with odd, half-human faces. They bathed their feet in the red water, and then ate and drank, and were refreshed.

In the late afternoon the road began to rise. They climbed giant-like hills and crossed brooks hidden in glens and gullies. The setting sun followed them like an eye of flame. Then they came into a different country, where there was something new in the air. Wave after wave of low smoke surged over hillocks ahead, and fires began to gleam. They passed through a black town

where coke ovens lined the road, like unbelievable red blossoms, and sometimes shot up from under it, like sprays of salvia. Driven by boys with foreign faces, the cows were coming home, low smoke coiling in grasses against their legs and bellies.

The sun set in a forbidding wall of cloud, which loomed far away like an enormous mountain. As they drew nearer, it divided into great black wings and became a gigantic bird of prey hovering over something. It brightened along its upper edges. The plumes trembled with the living fire of furnaces, recast from great retorts. They drew near to the City Terrible.

There were no more forests; there was no hedge under which they could creep and find rest. The shadows and the ruthless fires filled their hearts with unaccustomed feelings, and they held each other's hands. But the youth's nostrils dilated, and he breathed deep this new air.

They came into the city's outskirts. The glow in the heavens above seemed phosphorescence over vast decay. On one side of the road stood miserable houses, on the other more coke ovens. The fumes drifted across the road and floated through the houses. Suddenly, they came upon a crowd of men, listening to one who spoke to them. The crowd was excited. The man was haranguing them in a language lovers could not understand; but he pointed to the ovens, and then at the houses, and the crowd grew angry and applauded him. Soldiers were pacing up and down the fence by the ovens.

"They want better homes," said the youth to Conort, agitated and fierce. "He is right; it is wicked that they should live in poison, when open country is so near. I will help him."

He pushed his way impetuously through the crowd, and jumped up on the platform. He commended the man, and patted him on the back, and cried out to the people, "This man is very wise. You must have fresh air." His cheeks were red, and his eyes flashed. The crowd cheered him.

There came a sound of galloping, and a squadron of horsemen in uniforms appeared down the street. "Disperse!" they cried. The crowd muttered. The troopers drew their clubs, and began striking right and left, and forcing their horses into the mob. The mob yelled and fought back, throwing stones, pulling some of the horsemen to the ground and trampling them. Then someone fired a revolver; instantly the troopers drew short blue guns, and the air was filled with crackings and cries of pain. Conort saw her youth press his hand to his side, and sway and fall.

The crowd disappeared. Ambulances came and took away both the quiet and the unquiet bodies,

and the soldiers left the fence by the coke-ovens and paced to and fro across the street.

They could not refuse her the body of the young man. She got a wagon, and lifted the silent form into it, and turned again toward the hills and valleys. The wagon jolted all night long, and Conort was holding death upon her heart. The wood-edges moaned with nocturnal grief.

The sun was lighting the east when she came home. Her father took her in his arms, and she relaxed her rigid body, and closed her terror-stricken eyes.

Days later she said to her father, "Is that what the world is, father, and is that what youth means?"

The old man bowed his head in acquiescence. "He was a good model for you, Conort," he said reflectively. "You saw him give his youth in one defiant and generous deed. If he had lived, his life might have ebbed away year after year, effecting reforms, or writing books on difficult subjects, or in some other way hard to understand and follow. Or, he might have turned away from his youth, and forgotten its vision."

III.

The influences of her first day and night away from home, Conort was later to embody with suitable magnificence. The aspect of her heroes and her martyrs, as has often been noted, suggests an allegiance to a beauty not altogether of earth. Without doubt, her fidelity to her lover, and her devotion of incomparable powers to his preservation as no other human being, be he pharaoh or caesar, has ever been preserved, made her the destroyer of one civilization and the builder of a new. There is nothing like a resplendent example to corrupt a people, and Conort was one to set the nations of the west to thinking of youth, of heroism and of death.

The likeness of her lover seems the composite face of all youth, with its dreams, its bewilderment, its resolution. It may be that Conort loved more deeply than she knew.

We see him in the great marble group at the entrance to the Park of Poets in Wyoming, a youth running with leopards, called The Tracker of the Sun; and the same cool and defiant face gazes into the future from between his lion paws as he crouches to spring, half-lion, half-boy, in the marble called the Adventurer of Dust, at the Hall of Heroes in Rio de Janeiro. In her paintings he is Youth who fights with Death, on the walls of the Court of Music in Havana; the Victim, that terrible mural in the gallery of the Senate of China called The Sacrifice; The Unthwartable Avenger, in the Gardens of Orphaned Children at Fall River,

Massachusetts. She has immortalized him likewise as the figure of the Rebel which crowns the Arch of Victory at Nanking, and he appears in the various Apollos and Buddhas she abandoned to the world, notably in the reclining Buddha of the Palisades. His face peeps out many times from the pile of faintly chiseled bodies of young men which pedestals the second Statue of Liberty in New York harbor. He is also Youth in the bronze colossus called Youth and Our Lady of Dreams, which spans the Mississippi above Saint-Louis, and the Boy in the central pair of lovers of the monolithic Arch of Triumph, over Broadway at the entrance to the great grove of sycamores at Wall Street. And finally, he is the Achievement of the Old Blind Mother, in the Place of Beauty, that city square of marble and green foliage and plashing fountain, which has made of Denver, Colorado, a second Persepolis.

HANIEL LONG.

The Forthcoming Elections in South Africa

THE elections in South Africa which are to be held on February 8th, are fraught with the gravest significance not only for that country itself, but for the British Empire. For the second time within the space of less than a year, General Smuts is appealing to the country to support him in defeating, once and for all, the secessionist policy of the Nationalist party led by General Hertzog.

In order to appreciate the gravity of the issue which is to be decided by the forthcoming elections, a brief review of the political situation is necessary.

The first point to bear in mind is that the government has not had a majority in the House of Assembly since 1915. At the elections held in October of that year, the South African party, led by the Botha-Smuts government, returned fifty-four members against forty Unionists, twenty-seven Nationalists and three Labor men. At any moment the government could have been turned out by a coalition of the other three parties, but the Unionists naturally abstained from embarrassing or defeating a government which was loyally fulfilling South Africa's obligations in the war as a member of the Empire. The Nationalists, on the other hand, opposed the government and its war policy in parliament, and carried on a bitter agitation and propaganda in the country, especially among the Dutch farmers. For a time their policy oscillated between a demand for the break-up of the Union of South Africa and restitution of independence to the Free State and the Transvaal, and

an agitation for the secession of the whole Union from the Empire. A mission led by Hertzog put the former demand before Mr. Lloyd George at an interview in Paris, during the Peace Conference in June, 1919, only to be met by the reply that the British government could not interfere to break up a Union which the four South African colonies had of their own free will formed but ten years before. Since then, the strategy of the Nationalist party has been directed to the single aim of securing a parliamentary majority which would vote for complete secession, republican independence, and sovereign status for the whole Union, in short, for the severance of every constitutional tie binding the Union to the British Empire.

General Smuts, who, after Botha's death in the autumn of 1919, had become Prime Minister, appealed to the country to give him a majority against the Nationalist policy. However, the result of the elections held in March, 1920, was for him far from satisfactory. True, the country returned an ample majority for continued allegiance to the British Empire, but this majority was composed of three separate parties. And not only was Smuts's own South African party more than ever a minority party in the whole Assembly, but the Nationalists were actually the largest party of all. The figures were: Nationalists 44, S. A. P. 41, Unionists 25, Labor 21, with a few Independents. During the session which followed, the Unionists supported the government on the constitutional issue, and the Labor party in critical divisions abstained from voting against it.

It was sufficiently clear that so abnormal and unstable a situation could not continue indefinitely. Two possibilities were open for forming a strong parliamentary majority. The Nationalists might reunite with the South African party, from which they had split off when Hertzog left the Botha government in 1911, or the South African party might join in a new combination with the Unionists. The former fusion was the more natural, for both parties were predominantly Dutch in their composition, and the whole Dutch population felt their schism to be a national misfortune, and a grave source of weakness to the future of the Dutch cause. Whilst many of the leaders were kept apart from each other by personal antagonisms, the rank and file on both sides was anxious for reunion, and unofficial conferences, seeking a basis for reconciliation, began soon after Botha's death. All during the summer of 1920 the movement towards "hereeniging" gathered headway: it needed only a formula on which the two parties could unite. The South African party, standing loyally by Botha's policy of the cooperation and the fusion of the

two white races, refused to consent to any formula which English South Africans could not honorably accept. Hertzog for a while seemed willing to shelve the secession-issue as a practical policy and to keep it only as a remote, almost academic, aspiration. But his hand was forced by the younger firebrands of his own party, especially Tielman Roos in the Transvaal and Dr. Malan at the Cape. They compelled him, just before the final and decisive conference at Bloemfontein, in September, 1920, to declare himself publicly for secession as the first and most essential plank in the Nationalist platform. He had to pledge the Nationalists to insist upon acceptance of this plank by the South African party as the condition of reunion. On this rock the conference inevitably split. The issue was now fair and square before the country: for or against continued membership of the British Empire.

Smuts, who had done his utmost to find a basis for reconciliation, had no choice but to accept this challenge. His move was a bold one: an appeal to all moderate men to join the South African party and give it a majority against civil war and racial strife, for the maintenance of the Union, and for loyalty to the Empire. There is good reason for thinking that originally he planned the formation of an altogether new "Constitutional" party which should supersede his own and the Unionist parties and express clearly the realignment on the secession-issue. But the South African party did not prove ready for this sacrifice. A step so bold threatened to drive most of its Dutch members into the arms of the Nationalists, thus defeating the very object of Smuts's policy. In this crisis, it is to the lasting credit of the Unionists that, under the leadership of Sir Thomas Smartt, they resolved to put the Union and the Empire above their attachment to the continued existence of their own party as a separate political entity. They voted to dissolve their own organization and give a lead to all moderates by joining the South African party in a body. Less than a year ago such a development was thought impossible even by acute political observers. If it reflects the highest credit on the public spirit of the Unionists, it is also an amazing tribute to the confidence inspired by Smuts's character and statesmanship. Nor is the loyalty to the Empire of Smuts's Dutch followers to be forgotten which alone made this self-immolation of the English party possible.

What, now, is the outlook for the enlarged South African party? A glance at the figures will show that, on present representation in the Assembly, the Nationalist and Labor parties together almost exactly balance the old S. A. P. and Unionist parties. The new combination is sure to be de-

serted by a few irreconcilables and extremists in both camps. Where, then, is the majority to come from? Though Smuts's appeal and the action of the Unionists have impressed the imagination of the country, no one knows how large the body of moderate voters may be whose party ties are loose enough to allow them to join the new S. A. P. No one dares to expect that many votes will be won from the Nationalists, though Smuts's personal campaign in the Free State may yield surprising results. Still, the anticipation is rather that in the country districts the S. A. P. will lose votes to the Nationalists. Moreover, the time has been short for Unionists and S. A. P. to fuse their organizations or achieve a complete mutual understanding about candidates and policies. The antagonism, too, of town v. country, commerce and industry v. agriculture, which happens to coincide very largely with the racial cleavage of English v. Dutch, makes the Nationalist party more homogeneous than the new S. A. P. As a result, the only direction in which the new party has any obvious chance of winning additional seats, is from the Labor party, which at the last election increased its representation from three to twenty-one. Many of these gains had been due to three-cornered contests in which the Labor candidate got in because the Unionist and the S. A. P. candidates split the anti-Labor vote. Here, then, the new party may hope to recover lost ground. But, not unnaturally, the Labor party feels threatened in its existence, and regards the new combination as directed against itself rather than against the Nationalists. Its leader, Colonel Creswell, has opened the campaign with a very bitter manifesto, in which he charges that the secession issue is a mere blind, and that the only object of the elections is "to get back the old Unionist profiteering crowd" and to renew the power of "big finance, big property, and big profits."

Meanwhile the speech with which General Smuts himself has opened his campaign at Pretoria moves on a high level of statesmanship. He puts forward a constructive program for a liberal native policy, for developing national resources, for encouraging immigration, both industrial and agricultural, and for dealing with unemployment among the "poor whites" partly by land-settlement, and partly by the absorption of the white man into industry as a worker and no longer as a mere overseer of black laborers. To the secession policy of the Nationalists he replies effectively that it would mean, not only secession of the Union as a whole from the British Empire, but the break-up of the Union, civil war between English and Dutch South Africans, revolt of the natives who prefer British rule to

Dutch, and for an independent Dutch-speaking South Africa, should such emerge from the turmoil, isolation and impotence in the world of international politics, with consequent stranglement and decay. Moreover, he is able to point out that the status assigned to the British Dominions in the Assembly of the League of Nations, and implied in their separate signatures to the Peace Treaty, contains that very recognition of their character as sovereign nations for which the Nationalists are agitating.

Whether this appeal will succeed, only the elections will show. Much will depend on the tact and skill with which the many delicate problems and sensitive feelings are touched on in the campaign speeches. Meanwhile each party is hiding its anxiety beneath a show of confidence. Onlookers from abroad can only hope that Smuts's wise and far-seeing statesmanship and the unselfish sacrifice of the Unionist party will be rewarded by victory at the polls.

R. F. ALFRED HOERNLE.

The Industrial Crisis

NUMEROUS policies of organized labor and many of the customary methods of workers run counter to the requisites for efficiency in production. These policies and programs should be condemned; but the policies and programs of employers and associations of employers should also be carefully scrutinized and criticised. A large percentage of the policies and programs of organized labor, now the subject of bitter condemnation, are in reality quite similar to those of the groups which are vigorously attacking labor organizations. It is an old law that action and reaction are equal and push in opposite directions. Many of the bitterly condemned policies and programs of organized labor may be traced to a natural reaction against the tactics of employers and of associations of business men. Improvement in the character of labor organizations cannot reasonably be expected until after employers' associations adopt more enlightened and socially desirable programs. It is the purpose of the writer to point out in this short article certain similarities between the policies of labor and of employers' organizations.

The anti-social practices of labor organizations such as restriction of output and the insistence upon the closed shop with the closed union, are rooted in no small measure in two circumstances:—(1) Bitter opposition to labor organizations on the part of employers and employers' associations, and (2) the lack of regularity in industry leading periodically to temporary closing of plants and to unemploy-

ment. Restriction of output is a policy running counter to deep-seated instincts of workmanship. Its causes are not unlike the forces which lead an employer to shut-down his plant in order to keep up prices or to prevent "spoiling the market" for his product. The worker hopes to stretch out his job, to get a return whether he earns it or not. Likewise, the manufacturer hopes to obtain a profit,—not by producing commodities, but by restricting the supply. On the other hand, the unions endeavor to restrict the supply of labor. With wearisome regularity the workers see themselves thrown out of a job because of "over-production"—which is in reality a dearth of profits, not over-production—and they are quite naturally arguing that restriction of output on their part will reduce the danger of recurrences of these periods of "over-production" and underemployment.

It is doubtful if the startling tendencies manifested since the armistice in the direction of sabotage and inefficiency can be cured by the old-time policy of threatening discharge, by the drive methods of the old-fashioned foreman. Employees have taken a leaf from the policy-book of the employer. Irregularity of operation and the laying-off of employees from time to time are counterparts of restriction of output and of organized sabotage. Both policies, perhaps mistakenly, look to conserving profits in the business,—one for the employer, the other for the wage worker. Both employers and employees are convinced that there is great danger of "over-production."

The manufacturer who for business reasons closes his plant for several weeks, throwing his workers suddenly and unexpectedly out of work, ought not to speak harshly of the worker who "soldiers" on the job in the hope that he can thereby spread the work over more days and reduce the length of the enforced lay-off. The wage worker is not the only industrial slacker. The adoption and continuation of a policy of paying workers a year-around wage whether the plant operates every day or not, would go far toward inducing a new attitude toward doing a fair day's work. Instead of calling the workers and labor organizations bad names, the employer should begin reformation at home. Let him "regularize" his plant. If conditions beyond the control of his own organization are at fault, then it is high time that the entire industry be overhauled. A "trust" which will eliminate the jerky method of doing business, maintain workers on a steady job, and look to technical improvement and human betterment as well as profits, is not undesirable.

The demand of the unions for a closed shop is the natural sequel of the employer's discrimination

against the man who carries a union card. Let the employers of America actually and in good faith stand for an open shop, and the union's case will be lost; but as long as employers demand a shop closed to unionists and persist in calling it an open shop, so long must unionists in self-defense stand for the closed shop. The fact that the same national union may demand the closed shop in certain industries and be indifferent in others, is an important straw pointing to the conclusion affirmed above.

The chairman of the food and fuel commission (1920) of Indiana is reported to have declared that the investigations of accountants show too many dealers in the retail coal business. Nevertheless, more efficient dealers feel that sufficient margin ought to be allowed retailers to keep the more inefficient ones in the field; this attitude is not unlike that of workers in regard to wages. Class consciousness is exhibited in both cases.

If it be true, as the representative of a metropolitan newspaper recently declared, that the International Typographical Union will not allow newspapers to print matter favoring the open shop, surely the organized printers are only following the example set by advertisers and owners of newspapers in refusing certain pro-union material space in the papers. Advertisers have unquestionably colored the news policy of many newspapers. If advertisers and the owners of newspapers insist upon excluding certain types of news items, why should not the organized printers working on the paper follow their example? Surely, one practice is not more harmful or deplorable than the other.

Many a manager is arbitrary and capricious in his treatment of wage workers; but such managers vociferously object in season and out, privately and publicly, when wage workers act in a similar manner. Again, the example has been set by the objector. The carelessness and indifference of workers have been paralleled by the employers' indifference to the welfare of the workers in their plants or to the rights of the consumers of their products. Emphasis upon safety and safety appliances did not become conspicuous until workingmen's compensation made accidents a drain on the pocketbook of the careless employer.

When competent engineers assert that American factories are run at only forty to fifty per cent efficiency because of incompetent factory management, certainly it is time for industrial leaders to do something other than fight organized labor. Fortunately, many have seen the wisdom of such steps. The wide-awake, up-to-date employer is reaching the conclusion that the goodwill of employees is a business asset. But the workers' in-

terest and goodwill cannot be obtained by fighting organizations of workers or by harsh treatment of employees. Employers are in no small measure to blame for the suspicion and hostility which often confront them in shop management. The big industrial problems of today are psychological and social, not narrowly technical,—and the biggest one of all is that of engaging the interest and good-will of workers, of arousing enthusiasm for workmanlike endeavor. Workingmen are like other men; they will respond to decent and democratic treatment. The results in certain plants prove the truth of this assertion. We need today “commonsense cooperation”; but employers and financiers must not expect all of the cooperating to come from the wage-working group.

In the present time of tension and of difficulty it is imperative that employers' associations lay aside the big stick for the conference table, that they earnestly and honestly try to understand the psychology of unionism and the fundamental wants of workers. This is an extremely inappropriate time for carrying a chip on the shoulder. To go “to the mat” with organized labor will aggravate the evils which now are visible on all sides. It is doubtless true that many unionists are unreasonable and difficult to deal with; but it is likewise certain that unionists have no monopoly upon these unattractive characteristics. It is not unreasonable to invite employers' associations to exhibit first the virtue of sweet reasonableness. The unions are fighting organizations with the repulsive characteristics and the virtues which thrive in an atmosphere of fierce rivalry. If unions are recognized and

treated with, or at least not subjected to smashing attacks, new and more desirable traits may appear. At any rate, whether it be considered good or bad, the workers as a group are struggling upward toward social emancipation, toward social and industrial as well as political equality. The basic problem is:—Will the next steps be taken by evolution or by revolution? The bitter opponents of organized labor, the union smashers, are ignorantly voting for revolution. Can they be educated before it is too late?

The problem is one of industrial psychology; it can only be satisfactorily solved by scientific methods. Its solution will involve a re-ordering of relations in industry. The emphasis must be placed upon product-making, not upon profit-making; a sharp line of demarcation must be drawn between “manufacturing” and “business”; the ability to produce goods or services rather than to manipulate financial securities must be stressed. To solve the problem one must strike deep into human motives. America awaits the industrial experts who can make work attractive, transform the labor organization into a group primarily interested in production, change the managers of our industries into production artists instead of profit makers. The nation is concerned about output—service—not profits. The industrial statesmen of today are not the typical leaders of business; the industrial statesmen, the men who have a big message for an anxious nation, are the engineers and production experts who are able to see that industry has a human as well as a material side.

FRANK T. CARLTON.

What Happened at Geneva

THE first birthday of the League of Nations finds people throughout the world taking stock as to the meeting of the Assembly at Geneva. To make the inventory complete, one should have felt the spell of M. Viviani's eloquence and the force of Lord Robert Cecil's enthusiasm. One should have stood at the statue of Rousseau and heard M. Hymans's panegyric on the Covenant as a modern *contrat social*. One should have met the celebrities off duty at the select Hotel Les Bergues or the more sociable cafés beside Lac Leman. But as the official record stands, the first Assembly must find its place in the history of the League. And only that inventory may have some claim to accuracy which is based on a reading of the official journal, the verbatim record of debates, and the *procès verbaux* of the committees.

Arriving at Geneva, the delegates of forty-two nations found themselves confronted with a situation for which they had few precedents. At The Hague in 1907, it had proved possible for so many states to work together. But diplomatic usage was more nearly adequate there, in deliberations

confined to a fixed agenda and unconstrained by the necessity for coordination with other agencies in a world organization. At Geneva, the creation of the League had to be completed. Some of its members had not yet participated in any of its activities. The Assembly had first of all to find itself. And this meant that much of its energy was necessarily given to questions of procedure and organization.

The meetings lacked many of the ear-marks of formal diplomatic gatherings. In the more delicate discussions, it is obvious that the delegates regarded themselves as expressing government views. But usually the debates were very free, and the delegates seldom took refuge in reservations for lack of instructions. Unlike the labor conferences recently held at Washington and Genoa, the delegation of a country had to unite in one vote. Yet at times some of the delegates showed themselves quite independent of the views of their governments. Mr. Barnes demanded that the Council, on which his own government had been represented, explain why it had not intervened in the war be-

tween Poland and Soviet Russia; and on his return to England, he said that he had acted as a sort of non-government representative.

An agenda of more than forty items had been framed by the Secretariat and approved by the Council. Such a large program necessitated a certain division of labor, which meant that most of the work was done in committees. On each of the six committees each member was given representation. The size of these committees may have caused some delay. But on the whole it meant a saving of time, for the representatives of all the members had usually agreed to a committee report before it was placed before the plenary meeting. Hence there was a tendency for the plenary meetings to become perfunctory. But it was less marked than in the plenary conference at Paris, for the Assembly refused to adopt a number of reports approved in committee. This may have been due to disagreement within the delegations in some instances, but it was probably more often due to the fact that many of the committee decisions were taken by majority vote.

Indeed, in most matters unanimity does not seem to have been so difficult to attain. In anticipation of the formal votes for which unanimity was required, there was generally an informal committee vote where majority action was acquiesced in by the minority. The liberal ruling that the recommendations as distinguished from the resolutions of the plenary Assembly did not require unanimity, made possible the registering of some general views—a procedure which proved useful in the discussions on limiting armaments.

The provisions for substitutes enabled the delegations to entrust to experts the handling of special subjects. The Dutch delegation, for instance, had seven substitutes working on various committees, and The Netherlands thus shared with other countries the benefit of the experience of Professor van Eysinga in dealing with questions concerning transit and communications, as the Swiss shared the expert services of Professor Max Huber in dealing with the international court. Similarly, in the plenary meeting, Denmark could be represented by Mlle. Forchhammer when the Assembly was discussing the enforcement of the Convention for suppressing the white slave traffic.

The flourish about publicity seems to have had little importance. All of the thirty-one plenary sessions were opened to the public, as were some of the committee meetings. Through the *procès verbaux* of the committee discussions, the details of the committee work were soon known to the public. The Assembly also recorded its desire that the Council should consider means of giving greater publicity to its own deliberations, and this may result in some change in the Council's practice of holding its debates in private and later announcing its conclusions in public. Even when *good* reasons are assigned for the decisions taken, the practice has the disadvantage of leaving doubts as to whether they are the *real* reasons, and perhaps in some cases doubts as to whether all the decisions reached have been announced. Such doubts tend to undermine the popular loyalty and understanding upon which the success of the League is absolutely dependent. But it seems to have been admitted in the Assembly that a rigid requirement of public deliberation is impracticable. Slight disagreements in the meetings of the Assembly were easily distorted in the press. The almost inevitable result is an attempt to smooth out differences beforehand, and even with a requirement that meetings must be held in public, men must be left free to breakfast in private.

The Assembly found itself tempted to become a continuous body with all sorts of interim activities entrusted to permanent committees responsible only to itself. But the desirability of unity among the various agencies of the League and the fact that most of the delegates could not be sure of being selected to act in another Assembly, seemed to call for not prolonging the Assembly's authority beyond the final meeting. Some new duties were put on the Secretariat, which is always in session, and activities calling for continued investigation were delegated to committees to be set up by the Council to report to the Assembly at its second meeting next September.

This does not mean that the Council is to be looked upon as the executive, and the Assembly as the legislature, of the League. That suggestion was made several times in the earlier meetings, but was formally negatived. Both are endowed with legislative functions—and the Assembly was eager to repudiate the idea that it sat as a House of Representatives with the Council as a Senate or Upper Chamber. In dealing with Armenia, the Assembly showed its own weakness as an executive body. "Either may discuss or examine any matter which is within the general competence of the League." Beyond this, the Assembly does not prescribe the boundary line of jurisdiction. Since all the governments represented in the Council are also represented in the Assembly, it is manifestly impossible for the Assembly's action to be unacceptable to the Council. But by throwing wisdom to the winds, the Council might take action which would be unacceptable to some members of the League, though the action cannot specially affect the interests of any member without that member's being represented on the Council for the purpose. The Assembly and the Council were meeting simultaneously in Geneva, but no serious question arose as to their respective competence except in the contest over mandates—and there the Assembly committee found the representatives on the Council adamant in insisting that the Covenant had given it exclusive control over the terms of the mandates.

The Assembly made it quite clear that a representative on the Council speaks for his own government and no other. This means that the four states which are non-permanent members of the Council do not there act as representatives of the other states. The Covenant named Belgium, Brazil, Greece and Spain to serve on the Council until the Assembly's selection could be made. The Assembly selected China to replace Greece for the coming year without agreeing on any permanent plan for filling these vacancies.

The conception of the League as a kind of super-state enjoyed less popularity at Geneva than in our own Presidential election. It bobbed up in discussion occasionally, but in a number of decisions it was thoroughly repudiated. For instance, it had been proposed that officials of the League and members of the Secretariat should travel on passports to be issued by the Secretary-General, without worrying about visés in each country, when engaged in business of the League. But this seemed too much like conferring sovereignty on the League. The members of the Secretariat regard themselves as the servants of all the governments in the League, not as the special representatives of their own respective governments—but the Assembly says they must have passports like other nationals. Again, when it was proposed to set up the international court by an act of the Assembly which would not call for ratification in each country, the procedure was rejected. The Assembly

does not legislate in that way; it does not pass statutes. And so the court is being set up by a formal protocol which becomes binding only when ratified.

The decision to postpone consideration of the proposed amendments to the Covenant seems to have been largely due to the absence of the United States and a desire that any amendments undertaken should meet American difficulties. Argentina had fathered an amendment calling for the admission of all sovereign states, and it was this decision which led her delegates to leave Geneva. The Council is now to set up a committee to study all proposals made and to report next September. If this committee reflects the attitude of the Assembly, it would probably go far toward meeting any objections to the Covenant which the American government might propose.

Article X played only a minor role at Geneva. Switzerland was careful to insist, when Austria was being admitted, that Article X did not preclude the peaceful secession of Vorarlberg if Austria should cease to be an independent state. Lord Robert Cecil would have admitted the ex-Russian states to the League without giving them the guarantees, against external aggression. Speaking for Canada, Mr. Rowell wanted to drop Article X altogether. The moral obligations in Article X did not keep fourteen states from applying for membership in the League. Six of these—Albania, Austria, Bulgaria, Costa Rica, Finland and Luxemburg—have now become members, swelling the total number to forty-eight. It would seem that the alleged dangers in Article X are not feared elsewhere as in America—if indeed they are admitted to exist!

The great variety of activities proposed for the technical organizations of the League shows how seriously the nations are facing the task of enforcing the background of international contacts so essential to preventing war. A mandate commission was agreed upon, with a majority of its members to be chosen from states having no mandated territories. An economic blockade commission was constituted to study the possible means of enforcing the Covenant provision for non-intercourse with a recalcitrant state. Plans for a health organization, a transit and communications conference, and a periodical financial conference were approved. Measures were agreed upon for supervising the enforcement of international conventions designed to suppress the white slave traffic and the opium traffic. A campaign against typhus in eastern Europe was launched. But the proposals for distribution of raw materials—a favorite topic with the Italians,—for establishing an international language, and for the organization of intellectual labor were thought to be going too far.

With activities so manifold, the Assembly was determined that the League should not be allowed to become a great burden on the taxpayers of the member countries—and it actually found time to debate the salary of the Secretary-General! How paltry it would have seemed in 1918 to have harried about the figures in which the League's budget is drawn! The four million dollars which the world will spend on the League in 1921 would have paid the expense of the war to the United States alone for just two hours.

The outstanding achievement at Geneva was the establishment of the new Court of International Justice. The old issue about choice of the judges was satisfactorily solved. But "compulsory jurisdiction" was not dropped without a contest. Not that it was proposed to compel an unwilling state to accept the Court's decree. The plan prepared by Mr. Root and his colleagues provided for a

default judgment against a state which failed to defend, refraining from saying how it should be enforced. The division on this question came nearest to being a division between large and small Powers—but even here, many of the smaller Powers were opposed to the Hague plan, and many also are among the twenty-two states which have now signed the protocol for establishing the Court.

If the Court is its greatest achievement, the failure to initiate a limitation of armaments will probably prove the Assembly's greatest disappointment. Here the French desire to enforce the execution of the Treaty, Soviet Russia's recent demonstrations of military power, and the talk in the United States about the "first" navy, combined to thwart the departure, which the hopes of two years ago expected to crown the beginning of the League's career. So the Assembly contented itself with "erring on the side of prudence" as Mr. Barnes put it—with urging the ratification of the Arms Traffic Convention signed during the Peace Conference; with requesting an investigation of the private manufacture of munitions; and with setting up agencies for the exchange of military and naval information. It also recommended, but without the concurrence of France, Greece, Poland and Rumania, that the members agree not to increase their military and naval budgets of the next year during the two following years, in the absence of exceptional conditions.

In at least one respect, the Assembly seems to have broken the chains of the war. The terms "allied" and "enemy" and "neutral" die hard. Occasionally the old lines held at Geneva—as when one of the delegates referred to "converting" the ex-enemy states. Mr. Balfour insisted that the Covenant is an "integral part of the treaties of peace." But the suggestion that the League exists to enforce the Treaty of Versailles came to the surface only to be severely rebuked. Nothing in the Assembly's decisions looks in that direction, though it was recognized that the execution of the military clauses of the peace treaties is a necessary prelude to limiting armaments.

If there lurked in the minds of the delegates at Geneva a feeling that the League's future is insecure, it did not find expression in the debates. The Swiss were insistent that the admission of Germany is essential, and the discussion of that question, postponed because of the desire for harmony, can hardly be avoided next September. But there seems more disposition to carry on without the United States, if need be, than one would have found a year earlier. The provisions of the Covenant were attacked less than might have been anticipated. It was generally admitted that the scheme for apportioning the cost of the League is not satisfactory. And there is doubt as to the effect of the Covenant provision that no treaty shall be binding until registered—though it has not prevented the registration of sixty-nine engagements. Some amendments to the Covenant seem inevitable. But the Covenant has proved a large measure of usefulness already. It *worked* at Geneva. The League exists as a going concern. What will the future make of it?

"We need faith and we need time." This was M. Bourgeois' counsel for patience. But faith and time alone will not suffice for the League's future. Courage will be needed, and an earnest determination to devote to its service a small part of that loyalty and intelligence which made the war to so many men a new beginning of life.

MANLEY O. HUDSON.

After the Play

FROM the start Ben Ami has the advantage of being free from the actor's faults. Every art makes pets of its faults, but the stage has made idols of them. The exaggeration, forcing, ranting, the empty gestures, the extravagant repose, and all the rest of that whole false world set up as theatre, Ben Ami has none of them. Whatever faults he may have are at least his own; they are not actor's faults. In the art of acting this sort of omission is a distinction in itself.

What makes Ben Ami's acting so good is that it is so complete. Where most actors come to life only in spots, he is continuous. And you feel behind the acting a cultivated and independent mind and a nature released and fluid, and exerting a mode of truth that is like Chekhov's. Chekhov hurries together and sets going a succession of impulsive incongruities and thoughts and emotions with a secure and unavoidably true result arising out of them; in the same way exactly Ben Ami works. He has also Chekhov's assurance of his own truth, without fear of what has been agreed upon as dignified, natural, causal or rational or capable of demonstration. He has Chekhov's careful leisure. It is the first creative acting of a poet—in the sense that Romain Rolland's Jean Christophe creates the artist—that I have ever seen. The stage poet is always quaint, romantic, Chopinesque, or grandiose and tragic. We understand his case and in our own way are superior to him, and so feel at home with him. Whatever else we feel, we are not at home with Ben Ami's portrait; it is erotic, weak, swift, clairvoyant, violent, tender, but always a little strange, as the truth must always be.

In the first act of the play you watch Ben Ami eating, talking, moving about; it is the truth, you can see that; and you wonder what it all comes to. And a little later you see him suddenly drop his head on his wife's breast and then down to the bend of her arm and stay there, and you get the first certainty of great acting. You begin to feel the life emerging naked from this suffering creature. You see a man bound to life by the depths of his own nature; and begin to understand what circumstances are doing to this being who is so capable of commanding and creating life and being destroyed by it as well.

The character of Peter in this Danish play is too delicate perhaps and too defenceless to be every poet. But it is the artist, every artist, in sensitivity, variety, and the power to be visited by life. In his playing of the second act, the rehearsal of the tragedy, Ben Ami makes his chief business the separation, as well as the combination, of the artist and the man. It comes out in his treatment of the actors, as men and as artists, enemies of art; and most of all in his wife's love scene. The poet's head is on her knees, and as he lies there he hears a warmth and passion coming up into her words, and slips back from his art into his own passionate life; he lifts his head, only to see that her voice was not meant for him at all but for his rival, who has just come into the room; and he hurls himself in a frenzy on him: the special tragedy of the artist comes out more and more.

The tragedy of the artist is that he is at once drawn into life and driven away from it. He is lonely for human living but also withdraws himself toward solitude and creation. He analyses, recreates, and suffers, all at the same time. Dante meant that when he said that the more perfect a thing is the more it feels the good and in the

same way sorrow—più senta il bene e così la doglienza. By making the poet thus securely the tragic instrument of all living experience, Ben Ami is able to achieve a thing almost unbearably moving. When he turns and gropes his way off that stage, he has already created a pathos larger and more pitiful than any one man's.

But when all is said, the first test of whether a player is really an actor at all or not—though he may not be a great actor—lies in the identity of his body and his mind. Are his body and ideas interchangeable? Without this quality actors may go far by skill and artifice and style; as Irving did with his distinguished, wheedling studies, and Sothorn, and Tree with his bag of tricks; but you know all the time that it is a game, and never quite swallow it. I saw Grasso once in a Naples theatre reaching out his hands over a brazier to warm them, and I can remember now how it was not a mere gesture of an old, blind man, but his whole body and everything in him needed the warmth and reached out after it and received it. And yet so simple. In Duse the life came down into the fingertips. And Mrs. Patrick Campbell's talent, rascally and brilliant as it is, comes almost wholly from this; you knew by the way she walked herself on to the stage that she could play the piano later—as she did—if she set her mind to it. It is not the gift for mere mimicry that I mean, though good mimics have it. It is a quality of being entertaining that the body itself may have. It is a kind of magnetism that makes us forget which is the body and which is the man.

That sort of unity Ben Ami always has. His movements have no life of their own; they are inevitable. They exhibit a kind of poignant rhythm to our eyes. And the silences of his body are exactly true to the stillnesses within—a world of difference from those dry, quiet postures drilled into the other Hopkins actors around him, who seem to run down like bad watches when you leave them still. In the last act he could tell exactly the same truth, if he chose, without any words at all. The body is loose, pale, spent, and forgotten, because the life within is spent. The body of that ruined and betrayed and foiled spirit is also betrayed; it grows ugly, disappears in mere animal inconsequence and confusion; and at length falls forward on the floor without beauty or courage and without any pain, because all these things are dead in him and no longer there.

Great actors of one school, like Sarah Bernhardt, and Mounet Sully in his time, by immense artifice and power and stroke on stroke, build up in front of themselves a magnificent structure, not natural at all, but full of a life of its own and its own truth. Ben Ami is at the other end of the line. He is the most profoundly natural actor we have. Such art as his is not so much a structure as it is a transparency through which shines the light of the truth alive within it. He brings to mind a quality that always came out in Duse when she played in such work as Pinero's or Sudermann's or Sardou's, in that he cuts through any theatrical claptrap in a play and forces it in spite of its intrepid mechanics to become either real or false. Through this quality a fine and sincere art like Ben Ami's can help us to circumvent the wily manager and the made-to-order dramatist. He can be a gauge of what is significant and what represents only that mere empty, traditional artifice and profitable claptrap so dear to the actor's heart; the kind of thing that accumulates and clogs the life of every art and of the theatre most of all.

STARK YOUNG.

Instinct and the Unconscious

Instinct and the Unconscious, by W. H. R. Rivers. New York: The Macmillan Co.

THERE is a general notion among the psycho-analytic laity, of which I am a humble and ignorant member, that wherever you find a complex you may profitably seek for a sexual origin. This is a crude assumption I hope never to make again. There are, after all, the other assertive instincts as well as the enormously ramified sex instincts. The instinct of self-preservation is not only separate but inextinguishable. And when you have read Dr. Rivers's book you can hardly help realizing that it is as foolish to overlook this instinct as a possible source of psycho-neurosis as it would be to overlook sex itself. The anxiety-neurosis or the hysteria which start in a conflict arising out of fear may not be nearly so complicated as similar neuroses originating in sex-conflict. Dr. Rivers specifically states that "the awakening of the danger-instincts by warfare produces forms of psycho-neurosis far simpler than those of civil life, which depend in the main on disturbance of the other two great groups of instincts." But the fact remains that many amateurs and professionals have occupied themselves exclusively with sex, even Freud, and this book is a needed corrective.

It is much more than this, however, and only indirectly can it be said to combat Freud. In one place, indeed, it goes so far as to say that Freud's "followers, and to a large extent Freud himself, have become so engrossed with the cruder side of sexual life that their work might often be taken for contributions to pornography rather than to medicine." This is hard, especially as it adds by way of explanation that the sexual emphasis is "an unfortunate excrescence, probably due in large measure to the social environment in which the theory had its origin." The feeling that the Viennese environment favors this "unfortunate" excrescence can hardly fail to increase non-Viennese complacency.

In spite of this, Dr. Rivers is essentially anything but hostile to Freud. "In my own experience," he admits, "cases arising out of the war which illustrate the Freudian theory of sexuality directly and obviously have been few and far between . . . There is little to support the Freudian position in the form in which it is usually presented to us by its advocates. We now have abundant evidence that those forms of paralysis and contracture, phobia and obsession, which are regarded by Freud and his disciples as preeminently the result of suppressed sexual tendencies, occur freely in persons whose sexual life seems to be wholly normal and commonplace, who seem to have been unusually free from those sexual repressions which are so frequent in modern civilization, especially among the more leisured classes of the community." But, "the denial of the validity of Freud's theory of the unconscious in the form currently held by its adherents, as the means of explaining nervous and mental disorders, is, however, something very different from the denial of the validity of this theory altogether. . . . There is hardly a case which this theory does not help us the better to understand—not a day of clinical experience in which Freud's theory may not be of direct practical use in diagnosis and treatment."

Why is this? Because Freud's theory of the unconscious deals not only with the causes of psycho-neuroses but also with their processes or mechanisms, and his disclosure of the "mechanisms" of morbidity is perhaps his most eminent

service. Dr. Rivers has a paper in this volume criticizing Freud's conception of the "censorship," and he has his own biological theory of the psycho-neuroses. But he declares in the first paper in the appendix, (Freud's Psychology of the Unconscious), how valuable is Freud's theory of the "process of active suppression of unpleasant experience." He applauds the theory of forgetting, the hypotheses of infantile or childhood suppression and of the independent activity of unreconciled experience. In examining and placing the processes of the unconscious he gives a biological explanation or at any rate a biological pattern to the mechanisms which the psycho-neurosis employs. But though he amends the Freudian idea of what causes morbidity, he definitely follows Freud's lead in regard to instinct and the unconscious.

Because Dr. Rivers had much clinical experience with British officers and soldiers who broke down during the war, his book is particularly interesting on the subject of fear. He readily admits that his profession as a whole had had little interest in psycho-neuroses before the war, and he indicates how "the general materialistic tendency of medicine" crystallized in "the unfortunate and misleading term 'shell-shock' which the general public have now come to use for the nervous disturbances of warfare." Those nervous disturbances, he shows, are seldom due to an actual "shock" or trauma. The explosion or what-not which precedes the illness is usually "only the spark which sets into activity a morbid process for which the mental stresses and strains of warfare have long prepared the ground."

This morbid process, promoting an attempt to solve by psycho-neurosis "a conflict between opposed and incompatible principles of mental activity," goes back to "the instinct of self-preservation, especially those forms of it which are adapted to protect the animal from danger." The "forms" referred to are often inglorious. The instinct expresses itself in flight, in angry aggression, in immobility, in utter collapse, as well as in that cool and brave reaction to danger which means that fear is normally suppressed. But since fear is instinctive, "is so necessary a part of the mental equipment of animals, and is so frequently manifested in childhood," it can and does assert itself when, by stress and strain, the subject's control is impaired. Then, if the subject has in his unconscious an unreconciled experience of fear, he is likely to lose control—to have hysteria, if he is a private soldier and suggestible, or to have anxiety-neurosis, if he is an officer. The more repression he tries, the worse the strain. The psycho-neurosis is, of course, one conclusion, on the basis of retaining the conflict. But to get rid of the neurosis it is necessary to face the conflict, to acknowledge and elucidate the harbored fear. And here Dr. Rivers's clinical experience reinforces the Freudian experience, except that he cites no "complex" which had a sex component.

His ideas on suppression, however, are not wholly acceptable. He applies the word "suppression" to that process by which experience becomes unconscious, and he says that "one of the chief aims of this book is to discover the nature and biological significance of the mechanism of suppression." In his first observations he seems to adopt the usual explanations. You spontaneously forget and suppress what it is not harmonious to remember. But the "suppression is a process of reaction to the pleasures and pains which are immediately present, and takes no account of the more extended experience with which it is the function of intelligence to deal."

Yet, in spite of the fact, however, that memory may be suppressed because of its immediately painful character, he goes on to say that "the suppression of conscious experience is only one example of a process which applies throughout the whole of the animal kingdom and is essential to the proper regulation of every form of human or animal activity. This suppression is only an example of a process even more fundamental in the animal economy . . . The suppression which I have been considering in the last two chapters is only one aspect of the universal physiological property of inhibition. It is now recognized that the activity of every functional unit of the nervous system is of two kinds. Every unit forms part of a hierarchy in which it controls lower, and is itself controlled by higher, elements of the hierarchy. Control or inhibition belongs to the essence of nervous activity, and the lesson suggested by the study of sensation and reflex action is that the suppression by which experience becomes unconscious is only a special variety of the process of inhibition, common to every phase of animal activity." And he adds, "it is only those features of early sensibility which are incompatible with later developments which are suppressed—those earlier forms of mental activity and mental experience which have not been capable of utilization by the process of fusion, but have required the more drastic measure of suppression."

In the main this line of theory is helpful. The Freudian image of the censor is not only tinged by sentiment but is a figure out of his imagination, and it is much better to have a stabilized biological analogy, even if it is only an analogy. But, unfortunately, Dr. Rivers's analogy is also tinged by sentiment. Suppression is, if you like, inhibition, and inhibition is necessary to proper regulation. But suppression also has its pathological aspect, and this makes it clearly undesirable to use colored words like "control," "higher" and "lower" levels. "The state out of which the hysterical symptoms arise is one in which there is a conflict between a higher and more recently developed set of motives, which may be summed up under the heading of duty, and a lower and earlier set of motives provided by instinctive tendencies." This passage illustrates the extent to which Dr. Rivers's rhetoric may prove misleading. Those who believe that duty is the stern daughter of the voice of God can hardly help inferring that "instinctive tendencies" are low things which are best regulated by being suppressed. The fact is, of course, that suppression may be proper and may be improper, may be higher and may be lower, may baulk disposition and may not. But since the complex is actually the pathological aspect of suppression, the product of "suppressed tendencies and experience" which show an independent activity, it is well to remember that "regulation" in the wrong place is precisely what produces this result. This is especially necessary to remember in evaluating the position of society in that "conflict with the traditional standards of thought and conduct of the society to which the individual belongs." The whole problem of evaluation and therapy is confused if one transfers the nervous hierarchy of higher and lower to an ethical hierarchy such as the word, duty, implies.

In things like these, as in his speculation as to the frog's dissociation from his memories as a tadpole, Dr. Rivers is uncritical. But his book on the whole is a triumph of the critical attitude. And the biological analogy proves its value in nothing so much as in making the body of definitions uniquely intelligible, coherent and clarifying.

F. H.

Randolph Bourne

History of a Literary Radical and Other Essays, by Randolph Bourne. Edited with an Introduction by Van Wyck Brooks. New York: B. W. Huebsch.

THERE is a dogma, once universally accepted and still widely dominant, that English prose can never attain to the warmth with light, the logical straightforwardness combined with charm and sympathy that have endowed Greek and French prose with undying youth. And this superiority of the Greek and the French has been explained in terms of the spirit of the languages. But no one can read the writings of Randolph Bourne without questioning the validity of the explanation. Here you find again and again English that might make up a good Attic page or a fragment from an exquisite French essay. Randolph Bourne, remorseless critic of conventional classicism, does nevertheless reveal a kinship with the true spirit of the classics as the academic defenders of the classics seldom do. Bourne loved intelligence for its own sake. He would admit no limitations upon intelligence except its own laws of good faith and good taste. What he sought was to understand and to convey understanding, not to prevail or to dominate. He detested obscurities that throw dust in the eyes of the antagonist, sonorous futilities that drug him, witticisms that trip him up. Randolph Bourne loved discussion and despised debate. This fundamentally, was his great heresy. For the normal American, whether orthodox or heretic, whether reactionary or socialist, ascetic or sensualist, stands guard over his treasure of accepted values, prepared to defend them by fair means or foul. Randolph Bourne was heretic and classical because he was tirelessly in search of the truth, not doing police duty for guaranteed verities.

In this volume Van Wyck Brooks has brought together essays and sketches whose range of subject and mood give an indication of the extraordinary catholicity of Randolph Bourne's interests. The essay which gives its title to the book is a piece of intellectual biography which is worth the careful study of everyone who is puzzled by the open revolt of the choicest intellects in our undergraduate bodies against the ideals and discipline of our universities. The essays on *The Older Generation* and *Our Cultural Humility* take up the cause of the whole class of young intellectuals against the tradition ridden older generation who will neither have life for themselves nor permit it to the others. The remarkable essay on *The Uses of Infallibility* is printed in this volume, as is also the report to the Columbia University Trustees on *Impressions of Europe*, by far the most enlightening account of a European sojourn I have ever seen. The volume also contains six portraits, among which *Mon Amie* stands out especially as a masterpiece of sympathetic portraiture. In *The Puritan's Will to Power* and in *Transnational America* Randolph Bourne's feelings were perhaps too deeply involved to permit him to attain to the complete clarity and cogency usual with him. But the gently whimsical *Ernest, or Parent for a Day* would be a sufficient compensation for any imperfections there might be elsewhere in the book. The closing *Fragment of a Novel* invites speculation. If Randolph Bourne had lived to complete the novel, would it have been successful? Those who distrust reason in life and literature would answer this question in the negative. There is none of the rush and confusion of ordinary fiction in this *Fragment*, but a steady,

white light of morning, perhaps, however of a projected day of storm and color.

When one reflects on the brief literary career of Randolph Bourne, his sudden emergence out of the unknown as one of the most mature of American writers, the energy with which he engaged now in one inquiry, now in another and promptly secured ripe fruit of thought where other men wander for years among futilities, one naturally asks himself, Have we not here a case of forced maturity, foreshadowing an end that was not, as the fate of men goes, untimely? In his excellent introduction Van Wyck Brooks surmises that Randolph Bourne had not really found himself. His range of interests remained too wide—criticism, fiction, psychology, education, politics. But Randolph Bourne's writings do not suggest to me that any of these were vanishing interests with him. Had he lived, I believe he would have ranged more widely, rather than less widely, because the truth for which he was searching lies beyond any department of letters and is in fact a light common to them all. I think that Randolph Bourne found himself, but that he had completed his work—no. Everything he ever wrote seems to me to convey intimations of much greater work to come.

It is in order to escape the sense of loss that we are all so eager to find that one who has been cut off had already completed his work. "All is for the best" is an optimistic delusion which we shall not altogether escape until many Randolph Bournes who love the truth and know how to make it beautiful, have taught us that an irretrievable loss is to be taken for what it is.

ALVIN JOHNSON.

Justice Holmes

Collected Legal Papers, by Oliver Wendell Holmes. New York: Harcourt, Brace and Howe.

THE forbiddingly colorless title does grave injustice to an extraordinary book of thoroughly matured human wisdom. The bulk of this volume is, indeed, devoted to technical legal essays,—some of which have been epoch-making in the history of legal scholarship—; but the law interests Justice Holmes mainly as a window looking out on life and destiny. And in the last few essays, especially, the rich insight into the ever-recurrent issues of life is clothed in rare nobility of language.

That the law offers advantageous ground from which to view the whole of human life, its historic developments, actual motives, and ideal aims, is a statement which ought to be obvious to all. That it is in fact seldom realized is probably due to the fact that the din of the market place and the "cash nexus" generally make the best trained lawyers life-long advocates for certain partisan interests, to the great detriment of their own larger vision. Be that as it may, this book shows "that a man may live greatly in the law as elsewhere; that there, as well as elsewhere, his thought may find its unity in an infinite perspective; that there, as elsewhere, he may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable." After all what does the world offer as a starting point for the true philosopher except a maze of facts? And if he is sustained by a passionate curiosity as to the meaning of things and by a resolute determination to follow the interrelation of facts to the very framework of the universe, he can arrive at true fundamentals through the mazes of the law as by any other way. Indeed in pursuing this way, Justice Holmes has gained marked

advantages over the professional philosopher. One who as a creative scholar has grappled closely with divergent facts in the effort to make them reveal hitherto hidden connections, learns a wholesome respect for the complexity and toughness of the factual world and does not so readily attempt to put it into the corner of a formula. "To rest upon a formula is a slumber that prolonged means death." Having also, unlike most professional philosophers, devoted a life-time to the handling of actual issues which come up in the law, Justice Holmes does not succumb to the fashionable but foolish glorification of the practical over the theoretic or contemplative life. The increase of wine and oil is not the justification of art, nor is the sole justification of philosophy to be found in improved machinery and conduct. Art, science and philosophy are themselves deep necessities as well as the finest fruit of the specifically human life which we call civilization.

A genuine philosophy is always the expression of a unique personality, and as such can never be fully explained by the accidents of birthplace, time, or the professional occupation of the author. But it may help us to get the drift of this book if we remember that our author is not only a lawyer, but also a son of Puritan New England, a soldier who fought under Lincoln, and above all a cultivated humanist who came to man's estate at a time when the work of Lyell, Darwin and Huxley was shaking the human intellect out of dogmatic slumbers. The justice and delicacy with which these different elements are combined makes this book a most significant expression of a vision of life that is truly American as well as profoundly human.

To associate Justice Holmes's views with Puritanism may be misleading at a time when Puritanism has become synonymous with "blue laws" and the disparagement of natural human desires. But it is well to be reminded that those to whom Calvinism came as a great redeeming vision of life were impressed not so much by the despal of the flesh as by the glory of God, and that at all times men have been profoundly strengthened by being liberated from petty personal aims and made to feel the glory of being instruments of higher powers. Justice Holmes believes fully in "the joy of life become an end in itself," and that the main line of intellectual advance has been through men like Descartes and Galileo rather than Calvin and Milton. But he insists as much as any Puritan that the key to happiness is to be "not merely necessary but willing instruments in working out ends which are to us inscrutable." If he does not, as did the older Puritans, insist upon an anthropomorphic God it is because as a son of modern science he has a deeper intellectual humility and a more genuine conviction of the limitations of man's knowledge in the face of the unimaginable whole. Against modern idealists who flatter our vanity by speaking as if the world were all contained in our consciousness, he insists on the obvious truth that we must recognize the existence of our neighbors, and that none of us can make the world what he wills. Here, as elsewhere, "the rudiments need eternal repetition." When a man begins to reflect, his inborn faculties and desires as well as the conditions under which they operate are already formed. Justice Holmes insists on the nobility as well as on the necessity of fighting for our ideals and maintaining them against hunger and cold, even at the expense of our lives. But after all, effort is only one of the ways through which the inevitable comes to pass (p. 305). Our most fundamental beliefs are the expression of our inborn character and limited experience. Some of these, like the principles of morality, may have tremendous emotional sanctions; but intellectual

honesty compels us to admit that such first principles must in the nature of the case be literally prejudices, i. e. judgments in advance of experience. The fact that we have to live by them before we can begin to determine their truth, and, indeed, that only by fighting for them can we hope to prove their truth, need not prevent the honest man from seeing that his neighbor has to stake his life on *his* convictions or prejudices. When our fundamental preferences conflict sufficiently it may be my life against yours. But it is only the easy-going stay-at-homes who indulge in cheap vituperation and fail to respect the enemy. He who has resolutely faced the enemy and has actually felt the weight of the opposing resolution, is wiser. It is thus that Justice Holmes, while glorifying the soldier's courage and the zest of struggle for our convictions to the extent of our life, can still recognize that the essential mark of the civilized man is to have doubted one's own first principles (p. 307).

This urbane or civilized scepticism supplies the wisdom to resist dogmatic absolutism. "It is not enough for the knight of romance that you agree that his lady is a very nice girl—if you do not admit that she is the best that God ever made or will make, you must fight. There is in all men a demand for the superlative, so much so that the poor devil who has no other way of reaching it attains it by getting drunk." Scientific or rational man must learn to live without constantly demanding the final and absolute superlative. "We may leave to the unknown the supposed final valuation of that which in any event has value to us."

The serene wisdom which comes with wide surveys of existence, frees men from the idols of the cave, the tribe and the forum; and it is refreshing to see Justice Holmes's complete freedom from all the current cant phrases about liberty and equality, democracy and progress. The only liberty that adds to the value of life is the liberty to do the work for which chance or fate had fitted us. Democracy is a useful word in calling attention to our common limitations and common needs, but no useful end is served by ignoring or minimizing fundamental natural inequalities. As to the notion of progress, of an ever "upward and onward" toward the Golden Age of the Future, Justice Holmes also shows a wise scepticism. Sooner or later the race of man like countless other stately species which have lorded over this globe may pass away. But this by no means justifies despair. The harvest of despair is only for those who needlessly sow vain hopes. The wise men of all generations live not so much for the future as in the eternal present, trusting "that whatever we do is woven forever into the great vibrating web of the world."

Justice Holmes's long and honorable record of dissenting opinions in cases where the courts have ignored the human rights of labor and have unduly extended the rights of property and "freedom of contract," has given people the impression that he is something of a radical. This, however, is not the case. He is a firm believer in the regime of private property and the traditional economics. His dissenting opinions thus manifest a rare intellectual integrity which enables him to distinguish between his own opinions and that which the Constitution leaves to the legislature to determine. This lends unusual force to his charge that our courts, unduly influenced by the fear of Socialism, "have taken sides on debatable questions" and "have unconsciously read into the Constitution economic doctrines which prevailed fifty years ago." "Judges commonly are elderly men and are more likely to hate at sight any analysis to which they are not accustomed."

Justice Holmes's own belief in the traditional economics according to which "ownership means investment and in-

vestment means the direction of labor towards the production of the greatest returns," leaves him with scant sympathy for those who complain against the injustice of our unequal distribution of wealth. The possession of great wealth, according to his view, means not increased consumption but increased power, and this leads to a greater production of goods consumed by the many. Now quite apart from the very questionable truth of this doctrine, and apart from the many facts which show actual conflicts between private profit and public good, one cannot lightly brush away the deep and widely-felt feeling expressed by Burns.

It's hardly in a body's power
To keep at times, frae being sour,
To see how things are shared;
How best o' chieft's are whiles in want,
While coofs on countless thousands rant,
And ken na how to wair't.

To the conventional moralist envy and jealousy are mean and ungenteel emotions, to be eradicated. But to one who like Justice Holmes himself, believes that the fundamental traits of human nature need to be cultivated and humanized rather than snubbed, envy and jealousy are as worthy of attention as hunger, sex, and the desire for personal recognition. Just as sex humanized becomes potent and beautiful love, so envy or jealousy humanized and rationalized becomes the sublime sentiment of justice. It is also significant that the community generally does not feel proud of those who win prizes in the economic struggle as it takes pride and vicariously shares in the glory of those who win prizes in athletics, statesmanship, art and science.

There is one other doctrine which men of the younger generation view with greater scepticism than does our genial author, and that is the belief that "everything is connected with everything else." Many parts of the world that we know are but loosely connected, and beyond there may be more discordant diversity than unity. In any case we hesitate to follow Justice Holmes when he speaks as if the cosmos had purposes to which we must subordinate ourselves. It may be vain to resist the inevitable. But to worship all that inevitably happens is a desolating idolatry, subversive of our integrity. Man's dignity and inner worth demand a rejection and a defiance of those elements in the universe which are inimical to our human aims. Humanity has rightly admired god-defying Prometheus, and even the pious editors of the Bible could not omit the old story of Jacob winning blessings through struggling with a god by the river Jabbok.

Few of us, however, will quarrel with Justice Holmes's practical application of his creed. "The rule of joy and the law of duty seem to me all one . . . With all humility I think 'Whatsoever thy hand findeth to do, do with all thy might,' infinitely more important than the vain attempt to love one's neighbor as one's self. If you want to hit a bird on the wing, you must not be thinking about yourself and equally you must not be thinking about your neighbor; you must be living in your eye on that bird. Every achievement is a bird on the wing." Whether you call it the primal curse or a sacrament which brings forth human worth, conscientious and sustained toil is the only way through which the objects of human desire can be really attained.

No one in recent times has emphasized as fully as Justice Holmes the necessary isolation of the one who wishes to achieve any real advance in the realm of thought. "Only when you have worked alone—when you have felt around you a black gulf of solitude more isolating than that which surrounds the dying man, and in hope and in despair have

trusted to your own unshaken will—then only will you have achieved." But we cannot achieve all our dreams. "We are lucky enough if we can give a sample of our best and if in our hearts we can feel that it has been nobly done."

"The law is not the place for the artist or the poet. The law is the calling of thinkers." It is easier for a professional philosopher to take Justice Holmes at his word and to discuss his book in the pale medium of abstract thought. But the wise reader will turn to the book itself for a concrete realization of the author's contention that to think great thoughts one must have a heroic soul.

MORRIS R. COHEN.

Selected Current Books

A Survey of English Literature, 1780-1880, by Oliver Elton. Four Volumes. Macmillan.

Dr. Elton is professor of English literature in the University of Liverpool. This is a direct critical survey, not a history.

Enter Madame, by Gilda Varesi. Putnam.

The three-act play, with introduction by Alexander Woolcott, and illustrations.

Deburau, by Sacha Guitry. Putnam.

The four-act comedy translated by Granville Barker.

The Crisis of the Naval War, by Viscount Jellicoe. Doran. Admiral Jellicoe's account of the British navy's work in defeating the German submarine campaign, with comment on American participation.

Immigration and the Future, by Frances Kellor. Doran. A "frank analysis of America's greatest national problem."

The Elder Edda and Ancient Scandinavian Drama, by Bertha S. Phillpotts. Macmillan.

"My aim is simply to place before scholars a theory of the dramatic origin of the older Eddic poems." Miss Phillpotts is an English scholar.

The League of Nations Starts. An Outline by its Organizers. Macmillan.

Raymond Fosdick, George Rublee, J. T. Shotwell, Léon Bourgeois, Lt. Col. Requin, W. Ormsby Gore and others describe and analyze the League as it exists today.

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